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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, most holy, You are more ready to hear us than we are to pray, for You know our needs before we ask for help. Give us listening ears, responsive hearts, and willing spirits.

Bless our Senators. Fill their lives with meaning and shower them with Your wisdom. Reveal the issues that matter most so their labors will glorify You. Let Your love sustain them through the welter and variety of the legislative process. Finally, keep them from becoming weary in well doing. As they listen to Your commands, give them the assurance of a sure harvest.

We pray in Your righteous Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Sen-

ator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, there will be a period for the transaction of morning business for 1 hour today. Senators are permitted to speak for up to 10 minutes each, with the times equally divided and controlled, with the Republicans controlling the first half and the majority controlling the final half.

At the close of morning business, the Senate will resume consideration of H.R. 2419, the farm bill. As a reminder, the Senate will stand in recess today from 12:30 p.m. to 2:15 p.m. for the respective party conference meetings.

I mentioned yesterday that we have a lot to do this week, and we do. I have spoken with the Republican leader. The House is going to pass the conference report on Labor-HHS. As part of that conference report, there will also be military construction and the veterans' benefits. I have been told there is going to be a point of order raised against the military construction-VA aspect of that bill. In fact, if that is the case, we can set it up very quickly, as I explained to my Republican counterpart, to find out if there are 60 votes for that bill without the necessity of filing cloture. If, in fact, there are not 60 votes, that part, of course, will be peeled off, and we will pass the Labor-HHS bill, and it will go back to the House. The House will concur in what we had done, and the President would be sent the Labor-HHS bill alone. We

need to accomplish that work this week. We need to get our first appropriations bill to him—or bills, whatever the result.

As we speak—we started 5 minutes ago—the House and Senate conferees are meeting on the Defense appropriations bill. That conference will be wrapped up fairly soon. There has been a lot of preconference work done on the bill. We have Senators STEVENS and INOUE who have worked that bill for many years. They do very well with their House counterparts.

It is a huge bill. I don't know the exact amount—\$470 billion or some such amount. In addition to that, I think, as I told my friend, the Republican leader, the senior Senator from Kentucky, a continuing resolution will be put on the Defense bill just as it was done last year when Senator FRIST was majority leader. That we should get soon. We will get it in the next couple of days. And we have to finish that legislation before we leave this week.

It is extremely important that we don't wait until the last minute next week to take care of the Defense appropriations bill and the continuing resolution. That will leave us plenty to do next week. We have a lot to do, not the least of which is the Mukasey nomination which the Judiciary Committee will take care of this morning. That meeting also started 5 minutes ago.

We are on the farm bill. I will have more to say about the farm bill a little later, but I do want to say this regarding procedures and the farm bill. I have had some real good teachers over the years as to how to handle legislation. Some of those teachers have been my Republican counterparts. No one was more versed in so-called filling the tree than my friend, the distinguished Senator from Mississippi, Mr. LOTT.

We have just a few days until we break for Thanksgiving. This bill, the farm bill, is a tax bill. It has tax provisions in it. So I want to make sure everyone understands we should do all

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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relevant amendments to the farm bill. There is no problem with that. That is what I said we would do. But this bill, as I have indicated, as I learned from my friends in past years from teachers such as Senator LOTT, Senator DOLE, and Democratic leaders, of course, is you have to be very careful in the waning days of any work period because any one Senator can shut this place down.

So on the farm bill, that is not going to be the case. We are going to work to complete the farm bill. It is a good, bipartisan bill. There should be amendments offered. We have a number of bipartisan amendments that must be offered. We have one amendment that Senator DORGAN and Senator GRASSLEY are ready to offer on payment limits. We have Senators LUGAR and LAUTENBERG who want to offer a whole substitute for this legislation. So I hope we can get to this legislation.

I have been told one of the things the Republicans will do in protest of what I am doing, which has been done countless other times in the past, is to go into a quorum call and prevent us from doing work on the farm bill. Everyone has a right to do that. We will have a few live quorums. If people don't want to do work on the farm bill, that is their right as a Senator.

The farm bill is something I believe we should do. I am certainly not going to file cloture on the farm bill this week. So if my friends on the other side of the aisle just want to have us sit in a quorum call and not do any work on the farm bill and not do our other work, that is fine. I don't think it is very productive when I have indicated the farm bill is certainly one where we can offer amendments relating to it, that will be relevant to the farm bill.

I, at a subsequent time prior to our getting on the bill, which will be an hour or so from now, will make sure I ask consent that we handle this bill with relevant amendments.

I ask unanimous consent that the time I use and the time my distinguished friend uses not count against the hour for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IRAQ

Mr. REID. Mr. President, yesterday we reached another tragic milestone in Iraq. It seems it never stops. We lost five young American soldiers. That means 2007 has been the deadliest year for our troops in the entire war. In just a few months, we will be starting the sixth year of this war. We have almost completed 5 years of the war. Our thoughts have to be, as they should be, with the families of the five latest American victims of the civil war in Iraq. Our hearts go out to the families—several score have been Nevada families—a total of about almost 3,900 now, young men and women who have

lost their lives, and to the more than 30,000 who have been gravely wounded.

This war has caused so much suffering in America where losses continue to rise, not only in the loss of life and injury to our valiant troops but our Treasury. The Joint Economic Committee is going to come out with a report soon showing it to be in the trillions of dollars this war has cost our country. That means our Treasury is going to be depleted for generations to come.

No one doubts that our military is battered, scarred, and stretched to the limit. And let's not forget about what is going on in Iraq. It is estimated that 2 million people have left the country. This was a country of about 25 million people when the invasion took place. We learned today that 2.3 million civilians are now displaced, fleeing from their homes, their neighborhoods, their schools, places of worship. Violence is down, and certainly that is important and good, but many of the experts are saying one reason the violence is down is that so much ethnic cleansing has already taken place. It is true they found 35 or 40 dead bodies today, and they are still finding them—not to the amount they were finding before. They were finding more than 100 a day. Many of the areas have been ethnically cleansed.

Two-thirds of the displaced are children under the age of 12. This humanitarian crisis rages with no end in sight. Two-thirds of the 2.3 million displaced are kids under 12. By the most critical benchmarks, President Bush's flawed strategy on Iraq is making America not more secure but less secure.

We are seeing no signs of meaningful progress on political reconciliation, which is the key to success in Iraq. We have a civil war going on with the Palestinians. Two factions are at war. We have Lebanon, in effect, with an election that cannot be held because of civil strife in that country. We have Iran which is causing trouble in the whole region. And if a civil war in Iraq were not bad enough, now we have 100,000 Turkish troops who have gathered on the northern borders of Iraq.

Our brave troops, more than 160,000 of them, are giving everything they have to this war. Far too many of them have been buried; far too many face lives forever marred by physical and psychological wounds. Yet for all of our troops' sacrifice and suffering, Iraqi politicians are doing basically nothing. President Bush has said: As they step up, we stand down. They have not stepped up.

What better reminder do we need than the crisis in Pakistan that the world can change overnight? It is time to rebuild our military to refocus on the war on terror and the grave challenges that face us throughout the globe, not just in Iraq. We must repair the readiness of the Army and Marine Corps, the finest fighting force in the world, but a force that is under great strain. One only need look at the lead-

er of the Army, General Casey. He is saying that right now, and he has testified under oath to that effect. We must be prepared to respond to new challenges. We must have the strength and flexibility to promote freedom and defend human rights when they are attacked. We must refocus our efforts on bin Laden and al-Qaida who threaten our safety, and it is long past time to give our troops the hero's welcome they so bravely earned. They need to come home.

After years of the Republican underfunding of veterans' care, Democrats have provided \$4 billion above the President's request to make this failure right. President Bush remains obstinate. His allies in Congress have remained loyal. They have blocked our efforts so far, but we will continue fighting to give our troops and all Americans the new course in Iraq they deserve.

#### FARM BILL

Mr. REID. Mr. President, on the farm bill, it is a 5-year bill, scored at about \$280 billion. It is a bill we need to look at the positive aspects of, and I have done that on a number of occasions.

The nutrition title is one of the bright spots of the bill. Food stamp recipients under the bill will be allowed to spend more on childcare and remain eligible, as well as save more for education and retirement without losing their benefits. Minimum benefits will rise. Funding for buying surplus food stuffs for food banks and other relief organizations have increased by \$100 million each year. That includes over \$1 billion for the School Lunch Program to provide fresh fruits and vegetables to these schools.

There are many other good things in this bill, and I was disappointed the President again talked about a veto. This is a new word in his vocabulary, because in the first 6 years of his Presidency, he basically never used the word. I should say the first 7 years. One year from today, we will have elections for a new President. So in the last 12 months, in this man's Presidency, he has come up with a new word, "veto." Everything is veto—CHIP, WRDA, appropriations bills, farm bills.

Yesterday, I came to the floor to express my optimism for the farm bill. I said the bill is an example of the good work that can come when both sides of the aisle work together. Chairman HARKIN and Senators BAUCUS, CHAMBLISS, and GRASSLEY have done that. I also said this bill would receive floor time for amendments dealing with the farm bill. Apparently, the good work and good faith put toward this bill by Democrats and Republicans does not count for much for the President. Yesterday afternoon, Acting Secretary of Agriculture Chuck Connors announced the President's intent to veto the farm bill—before it has been debated, before amendments are offered, and before, of course, it is passed.

Here we go again, I guess is what people are saying. The President has now threatened to veto 11 of 12 appropriations bills, including Labor-HHS, which provides crucial funding for schools, medical research, and police. He said he is going to veto WRDA, which passed the Senate with 81 votes.

I am not alone when I say this latest veto threat of the farm bill rings kind of hollow. It rings hollow because Secretary Johanns went around the country giving lectures about the current payments system, what a bad deal it was. Yet the Bush administration had every opportunity to fix the issue of nonfarmers receiving farm payments. This is what Johanns loved to go around the country saying. Why don't they fix this? He is the Secretary of Agriculture, part of the Bush administration. Yet even though he has gone around and given PowerPoint presentations to this effect, he should have been giving a PowerPoint presentation of why the Bush administration hasn't done anything to fix it. It can all be done by changing regulations. You don't need to change the law.

What they now blame Congress for failing to do, they could have reformed—the “actively engaged” farming payments system—right now. That is what they talk about all the time. They talk about people in apartment houses drawing benefits. They can change it. The President can do that. He has the power to do that. We gave him the power to do that. We passed a bill 20 years ago that reformed the process. Yet an April 2004 study by the General Accounting Office determined the Bush Department of Agriculture's track record in implementing this reform was, at best, halfhearted, and that is being generous.

A problem exists in the farming payment structure. We have all heard of individuals who live in the city but claim they are farmers and receive a subsidy. The Bush administration could change that with a regulation. The farm bill begins to tackle that problem—a problem that exists, in large part, because the Bush administration has failed to address it.

Now, the President plans to veto a bill that reforms the payment process, while maintaining the President's administrative authority to act on it. This bill takes reform seriously. If President Bush were serious about it as well, rather than just looking at political points, he would do something about it. He has the power to do something about it.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

#### VA-MILCON APPROPRIATIONS

Mr. McCONNELL. Mr. President, we are now in the sixth week of the 2008 fiscal year, and the majority still

hasn't sent a single funding bill to the President for the 2007 fiscal year. It has been 20 years—20 years—since Congress has waited this late in the year to send a single appropriations bill to the President. The Veterans appropriations bill, for example, passed the Senate 2 months ago but is still sitting in Congress.

So why do our friends on the other side of the aisle continue to drag their feet on this very important measure? We know everyone agrees the bill is important and needed. We know our veterans have sacrificed for our country, and it is our duty—our duty—to provide for them. We know the bill holds wide bipartisan support, and the military construction part of the bill is important for providing housing, readiness, and improved quality of life for our troops. We also know the President will sign the veterans bill into law when he gets it. So why hasn't this bill been brought to the floor for a vote? Why haven't we had a vote on the veterans conference report? Shouldn't we put aside the gamesmanship and send this bill to the President so it can be signed before November 11, which happens to be Veterans Day?

The majority has decided it wants to tie the veterans bill, which will be signed into law, to the Labor bill, which is approximately \$9 billion over the President's request, which, of course, will be vetoed. Now, some have said \$9 billion is not much of a difference, but to put it into context, \$9 billion is more than the individual budgets of 33 of our States. It is more than the entire yearly budget for the FBI. It is more than the budget of the U.S. Coast Guard. More than that, this figure will serve as a starting point for next year's budget, and that will serve as the starting point for the year after that. In short, this increase will compound into \$120 billion in more Washington spending over the next 10 years.

To put this in context, for American taxpayers, for this same amount of money, we could have, instead, made permanent marriage penalty relief and permanent the expensing for small business and have increased taxpayers' standard deduction or we could have provided a 2-year alternative minimum tax patch.

So why attach a bill that overspends so dramatically it would not be signed into law and further postpone funding for our veterans? Our veterans deserve better. We shouldn't penalize them for the mismanagement and overspending of this Congress. We have a responsibility to send the veterans bill to the President at the earliest possible time. Providing funding to our veterans by Veterans Day, November 11, is still a realistic and attainable goal, and Congress should do it.

The election was 1 year ago. It is time to get serious about funding our veterans. We must remember our current force is composed entirely of volunteers, and they have earned our support. If our colleagues are serious, they

will bring the veterans bill to the floor. No gimmicks, no games. Let us get it done before Veterans Day.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

#### RECOGNIZING THE GOOD WORK OF ED AND MARY ETTTEL

Mr. CHAMBLISS. Mr. President, it is a pleasure to rise today to recognize the work of some remarkable Georgians, Ed and Mary Etttel, of Marietta, who happen to be in the gallery this morning. The Etttels have worked together in their community to help touch the lives of our men and women in uniform. Guided by the Any Soldier Foundation, Ed and Mary send requested goods to our soldiers serving in Iraq, Afghanistan, Kyrgyzstan, Somalia, and Kosovo. Soldiers can go to [www.ansoldier.com](http://www.ansoldier.com) and request what specifically they need and want. Good people such as the Etttels are making sure these soldiers' requests do not go unnoticed.

Serving 4 years of Active Duty in the U.S. Navy and 22 years on Reserve Duty, Ed Etttel undoubtedly knows what it means to sacrifice for his country. However, his loyalties to his fellow men and women in uniform did not end with his retirement. Together with his wife Mary, and daughters Erin and Alison, the Etttels committed themselves to being a support group for those who are serving overseas today.

For the Etttels, many Saturdays over the past 2 years have been similar to last Saturday. The smell of pancakes usually welcomes 40 volunteers arriving at the Etttel's house at Sope Creek Farm. After breakfast, the volunteers pick a soldier's request from the Any Soldier Web site, take it into the inventory room, and pack boxes with food, magazines, school supplies, clothing, toys or Christmas decorations. They also include a handwritten letter of support to each individual soldier, thanking them for their service.

Because of the Etttels' community leadership and the help they have received from the other members of the Mount Bethel United Methodist Church in Marietta, volunteers have been able

to collectively send 496 boxes, weighing over 4 tons, to servicemembers in theaters around the globe.

One of the most fulfilling parts of the experience for these volunteers is how the soldiers respond. There have been countless thank-you and appreciation notes sent from the soldiers, letting them know how great it is that people back home support them and acknowledge the sacrifices they are making.

It is unclear whether the motivation behind the Ettels' generosity comes from Mary's history as a public servant in our school system, Ed's service to his country in the Navy as well as the Navy Reserve or if it is out of sheer gratitude for the Nation in which they live. It is clear the Ettels' appreciation for the troops and their love of country has been contagious among civic organizations, school groups, church groups, businesses, and fellow members of their community.

People such as the Ettels make this Nation the greatest in the world. I am proud to say such patriotic Americans live in my home State of Georgia. Words cannot express America's gratitude for our Armed Forces and their service and sacrifice for this Nation. As Veterans Day approaches, we should all remember to acknowledge those sacrifices, and I challenge all Americans to follow the lead of Mary and Ed Ettel in finding a way to say thank you.

IRAQ

Mr. President, I also rise today to discuss the progress we are making in Iraq. Over the past few months, we have witnessed some encouraging developments, and I think it is important to acknowledge the successes of our men and women in uniform and the successes of the Iraqi people in helping to secure their own Nation.

Since the troop surge was fully implemented, in June 2007, we have seen a steady decline in Iraqi civilian deaths, a decline in the number of bombings, and a decline in the number of incidents involving the most deadly form of roadside bombs known as explosively formed penetrators.

We have sent our forces into Iraqi neighborhoods in order to root out extremists and gain the trust and confidence of the people, and we are seeing encouraging results. Since the surge of operations began in June, the number of IED attacks per week has declined by half. U.S. military deaths have fallen to their lowest level in 19 months.

One year ago, Al Anbar was thought to be lost to the enemy. At the time, al-Qaida staged a parade in the city streets to flaunt its control. Last week, there was another parade in Al Anbar Province. Only this time it was a parade of Iraqi citizens and Iraqi forces who had reclaimed their homes and driven the terrorists out. Iraqi forces have now assumed responsibility for security in 8 of the 18 Iraqi provinces. Across the country, brave Iraqis are increasingly taking on responsibility for their own safety and security.

The improvements we are witnessing in Iraq further confirm the report

given by GEN David Petraeus, Commanding General of the Multinational Forces in Iraq, before Congress in September regarding the troop surge. While testifying before the Senate Armed Services Committee, he stated:

The military objectives of the surge are in large measure being met. In recent months, in the face of tough enemies and the brutal summer heat of Iraq, coalition and Iraqi security forces have achieved progress in this arena.

Our enemies see the changes underway and increasingly fear they are on the wrong side of events. Day by day, our forces are seizing the initiative from the enemy. Osama bin Laden, who is in hiding out of fear of U.S. forces, has publicly expressed concern about al-Qaida's recent setback in Iraq. In an audiotape, he talks about the mistakes al-Qaida has made and urges terrorists to overcome what he says are growing divisions in their ranks.

This return on our success in Iraq means we are slowly beginning to bring some of our forces home, and we are doing it from a position of strength. The military did not replace 2,200 Marines who came home from Al Anbar Province in September, and we will also bring home an Army combat brigade, for a total force reduction of 5,700 troops by Christmas.

While there is good news in Iraq, news that is important for the American people to hear, there are also remaining challenges we need to be realistic about. Parts of Iraq continue to be violent and difficult.

The terrorists are still capable of carrying out attacks that will dominate headlines, and the Iraqi security forces will continue to require U.S. support. Now is certainly not the time to give up, restrict funding, or set a surrender date, as some in this body have argued we should do.

As we continue to debate Iraq in the body in the coming months, I hope we can all acknowledge there has been real progress, and work together to ensure this progress is not wasted. That approach is clearly in the interests of all Americans and is in the interests of the Iraqi people as well.

As a member of the Senate Armed Services Committee and a Member from a State with a strong military presence, I am committed to supporting our troops and their families and making sure their needs are met.

Clearly our military has answered the call of duty and they continue to perform courageously, and I for one will do whatever I can to ensure they have the resources and equipment to continue executing their mission, and that their families back home receive the support and assistance that we owe them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Georgia.

Mr. ISAKSON. Mr. President, I am honored to join Senator CHAMBLISS of Georgia in paying tribute to Ed and Mary Ettel, my neighbors, as a matter

of fact, in East Cobb County, Marietta, Georgia. I live about a mile and a half from their home, and my son and daughter-in-law attend Mount Bethel United Methodist Church, where they are active members, a great church with a great minister, Randy Mickler, who does such a good job inspiring his congregation to do so many good things.

Ed and Mary do a tremendous service to our men and women in harm's way. I add my praise of them to the praise of Senator CHAMBLISS. I thank them for the example they set and the blessing they are to our soldiers.

I too want to talk for a second about Iraq, about the war in Iraq, and refresh some memories. Twice this year on the floor of this Senate, once before Memorial Day and once before the August break, we had heated 1-week-long debates of whether the United States of America should declare that we have lost and should leave Iraq. In fact, earlier this year, one Member of this body actually declared the war was lost. Well, as Senator CHAMBLISS has acknowledged, things have turned in Iraq. And they have turned because of the sacrifice of our young men and women fighting in harm's way. They have turned because of the determination of a President who understands the threat of terrorism around the world, and the agents of terror, and those who would harbor terrorists. Iraq is turning. We cannot declare victory in the sense of a declaration of it being lost was declared earlier this year, but we can declare and acknowledge that progress has been made and the country has accomplished a number of the enumerated goals we set out to accomplish when we went into Iraq.

In fact, if everyone will recall the President's speech 4 days before we went into Iraq, he established three goals for this country going into Iraq. No. 1 was to depose Saddam Hussein, and to find those weapons of mass destruction or their components that U.N. Resolution 1441 declared were there; second, to allow the Iraqi people to hold free elections and to write a constitution of their own, and establish a government of their determination; third was to train the Iraqi military to a capability of defending that new fledgling government.

Saddam Hussein has been deposed, was tried by a jury of his peers under Iraqi law. There are those who say we found no weapons of mass destruction, but they overlooked all of the components that we found, Scud missiles buried in the sand between Damascus and Baghdad, elements of sarin gas, 4 of the 7 mobile biological labs, 400,000 bodies in mass graves; all the signs, the tell-tale signs of the horror and the terror of mass destruction.

Goal No. 2, the Iraqis held free elections in 14 months, wrote a constitution, established the government. Mission accomplished there.

And then, No. 3, to train the Iraqi military sufficiently to sustain peace

for that fledgling government. We are not there yet, but we are moving so much closer. It should be noted that a few weeks ago, when all the press noted the British had left Basra and what a disappointment that was, nobody took note of the fact that it was the Iraqi army that replaced them, not the American army, not coalition forces but the Iraqi army, trained and capable of doing it.

Of the al-Qaida operatives who have been captured or killed in the last 6 weeks, the majority of them have been operations of Iraqi soldiers, not American soldiers. The fact is, goal No. 3, training an adequate and sufficient military to protect the fledgling government, is not at hand, but it is getting closer.

So it is time today, on the week before the Veterans Day holiday, and Veterans Day in this country, to pay tribute to the men and women who have sacrificed for this country, for freedom, and for the fight in the war on terrorism.

I carry with me a dogtag. This dogtag is SGT Mike Stokely's. Sergeant Stokely was killed in Iraq in September of 2005. I met his dad shortly after he had lost his son and, in fact, had lunch with his dad 3 weeks ago in Fayetteville, GA. I wanted to pay tribute to Mike and Noah Harris, another soldier from Georgia whose parents I have spent so much time with, and reflect for a moment on what they always tell me every time I see them. They said: Make sure you tell people that my son did not fight and die in vain, but what he sacrificed for is a country that seeks to end terror, end the threat of terror, and promote democracy around the world.

Well, to Bob Stokely, Mike's dad, to Lisa Harris, Noah's mom, I say: They did not die in vain. The evidence in Iraq across the board is proving that their hard work and their sacrifice has made a difference. If we can stay the course, support our troops, finish the training of the Iraqi military, the American forces can leave in large amount and leave the Iraqis to protect that free, self-determined government of their own.

It is time we acknowledge the success of our men and women in the U.S. military. It is time for us to say thank you for what they have done, and to look to the day that their effort makes us as Americans and the world a safer and a better place. Yes, the Iraq news is good. The war is not over. The progress is great, we need to stay the course, and finish the deal.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time in morning business this side has remaining?

The ACTING PRESIDENT pro tempore. The minority has 16 minutes remaining.

Mr. CORNYN. Mr. President, I join my colleagues from Georgia, Senators

CHAMBLISS and ISAKSON, in talking about the news from Iraq. It is important as we discuss the challenges we still face and that the Iraqi people still face in Iraq to talk about the complete picture. Unfortunately, while we have heard much of violence in Iraq, and the challenges that face us, we have not heard enough about the successes the American military and our Iraqi allies are meeting with in that country.

It wasn't that long ago that the surge General Petraeus, the counterinsurgency strategy that he is the architect of and which he has executed, was called a failure on the floor of the Senate. It is ironic, looking back, as sometimes it is helpful to go back and learn from history—and you do not have to go back very far, actually, just the summer and the spring of this year—when leaders on the other side of the aisle called the surge a failure.

The most ironic part of it is that General Petraeus, the commander of the multinational forces in Iraq at the time, said: We have not even started the surge yet, so let me have a few months.

Well, General Petraeus has now had a few months, and the surge has now had an opportunity to make a difference. In fact, there is much positive news to report. I have to think the biggest mistake the naysayers have made is to bet against the men and women of the U.S. military. That is always a mistake, because the American military men and women have demonstrated they can accomplish the goals they set out to do, and they are making a tremendous difference in Iraq in eliminating terrorist strongholds, as we continue to train the Iraqi military to take our place.

As I have always said, we all want to bring our troops home. The question is, are we going to bring our troops home based on conditions on the ground and the Iraqis' ability to secure and stabilize their own country or are we going to do it regardless of the consequences in a way that will create the potential for a failed state in Iraq, another terrorist haven, and encourage our sworn enemies in Iran and elsewhere, embolden them to think that America cannot be trusted and America will turn its back on our allies?

In May, one of our senior colleagues said the surge was supposed to bring stability essential to political reconciliation and economic reconstruction. But he said at the time: It has not and it will not. One short month later, the majority leader and the Speaker of the House, in a letter to the President, wrote: As many had foreseen, the escalation has failed to produce the intended results. The increase in U.S. forces has had little impact in curbing the violence or fostering political reconciliation.

We even bore witness to atrocious ads run by organizations such as [moveon.org](http://moveon.org) slandering General Petraeus before he even had a chance to come here and to report on the status of the surge in September.

Well, the numbers do not lie, to the dismay of many Americans. Some of my colleagues have chosen to conveniently gloss over and try to explain away the progress that has been made by General Petraeus's counterinsurgency strategy. Far from being a simple increase in troops, we learned General Petraeus's strategy was a new way to attack the enemy in Iraq, that is, utilize support from both local Iraqi citizens and tribal leaders to form an offensive against insurgent and terrorist groups, and the strategy has met with a resounding success.

It has become a common story, but one worth repeating, that Al Anbar Province, a Sunni stronghold, was virtually overrun and lost to American and Iraqi forces, because al-Qaida basically had its way with that region, had terrorized the people so much that they would not stand up and fight them and basically were being held as victims of terror.

Now the so-called Anbar awakening has occurred. Tribal leaders have come forward and volunteered their people to serve in the Iraqi police force and the Iraqi security forces. Now Al Anbar Province has essentially been rid of organized al-Qaida strongholds.

The Washington Post editorial page on October 14 recognized the decreased violence in Iraq and noted that evidence of a drop in violence in Iraq is becoming hard to dispute. In September, Iraqi civilian deaths were down 52 percent from August, and 77 percent from September. The Iraqi Health Ministry and the Associated Press reported similar results. We are thankful that American casualties are down as well.

Numbers recently released by the Pentagon corroborate the progress occurring in Iraq in and around Baghdad. The DOD reports terrorist operations are down by 59 percent; operations targeting Iraqi forces more than 60 percent; car bombs are down by 65 percent; casualties due to enemy attacks are down by 77 percent; and violence during this last Ramadan period was the lowest in 3 years.

But perhaps the most convincing evidence that things, good things, are happening in Iraq, is the fact that the Iraqi people are beginning to move back into areas they had previously left behind, hopeless that peace and security could ever be accomplished. According to recent news reports, even cab drivers are feeling it is safer to drive around Baghdad neighborhoods where sectarian violence once made it impossible for them to enter.

But perhaps the most telling story of increased security in Baghdad is one told by the Iraqi people themselves.

According to an Associated Press article from this past weekend, thousands of Iraqi refugees who previously fled their homes in Iraq for the relative safety of neighboring Syria have now returned to their home country. While it is easy for some skeptics to second-guess numbers and statistics pertaining to the security situation in

Iraq, it is nearly impossible to ignore the fact that thousands of Iraqis who not long ago were living as refugees in a foreign country now feel safe enough to come home. This reversal of refugee trends clearly indicates that there are good things happening in Iraq and around Baghdad.

The AP reports that "In a dramatic turnaround, more than 3,000 Iraqi families driven out of their Baghdad neighborhoods have returned to their homes in the past three months as sectarian violence has dropped." The article goes on to quote one refugee who returned home to his neighborhood of Khadra. "In Khadra," he said, "about 15 families have returned from Syria." He said, "I've called friends and family still there and told them it's safe to come home."

Where there was once widespread fear among Iraqi citizens, we are now seeing something new—hope, hope for a better and safer future. Nothing confirms this more than the return of refugees and their testimony that it is becoming safer in Iraq. While not yet safe, no one is saying the job has been completed, but surely an honest, objective appraisal would acknowledge the improvements in the security situation as demonstrated not only by these statistics but by testimonials from Iraqis themselves.

These heartwarming accounts of families reuniting in neighborhoods, which not long ago had been written off as hopeless, and businesses opening their doors are important lessons for us all. The strategy employed by General Petraeus has worked and is continuing to work. The efforts of our military men and women who have put their hearts and souls into this mission are now paying dividends and producing results.

These security gains are not a fluke. What we are seeing is a direct result of a carefully designed strategy which includes ramped-up counterinsurgency operations, increased efforts to foster cooperation and reconciliation among local tribes, and our continued backing of the hard work of the American military and support for their families.

As we are presented with funding requests by the Pentagon to bring about a stable and peaceful Iraq, we are ensuring that our soldiers have the resources they need to bring peace and stability to a tumultuous land. My hope is we will not use the funding request from the Pentagon for continued support for our troops as another political football, as it has been used in the past, particularly in the face of such hopeful and promising news for which I would expect we would be grateful and thank our men and women in uniform and their families who have sacrificed so much to help bring this about, along with our Iraqi allies.

General Petraeus told reporters this past weekend:

In general, we think that there are no al-Qaeda strongholds at this point.

While he was quick to remind us that they are still a potent threat, his as-

essment of the progress in Iraq can be nothing but reassuring. I shudder to think of what would have happened had we listened to the naysayers months ago who said we have to withdraw all our troops, even before the surge was fully implemented. So far, we have voted 59 times on Iraq-related resolutions, most of which are nonbinding sense-of-the-Senate resolutions; 59 times we have voted even before the surge had a chance to be implemented. Now we see what a mistake it is to bet against the men and women of the U.S. military. Thank goodness those resolutions were not successful, and thank goodness our American soldiers, sailors, marines, airmen, and Coast Guard were able to carry out this new plan under the leadership of General Petraeus. We now see at least some hope in a land where hope was in short supply.

Although many of my colleagues on the other side of the aisle prejudged the surge strategy and continue to oppose our efforts in Iraq, some of whom call even today for cutting off funds to support our troops, we see now substantial evidence of progress. It is my continued hope these positive developments may yet change the tone of the national dialog on the global war on terror, including the campaign in Iraq. It is time for all Members of this body to take an objective look not through a political lens, not through a lens which sees only the next general election, but to look objectively at what our troops are accomplishing in Iraq. Instead of focusing only on the challenges, we should at least be honest enough to acknowledge the accomplishments, not the least of which are the indisputable gains in security made through their sacrifices.

I, for one, am proud to applaud the undeniable achievements of our troops in Iraq. Their hard work and tireless dedication have reminded us that a stable and peaceful Iraq is within reach. It is my fervent hope that my colleagues will join me in acknowledging and honoring the successes achieved by our military personnel and renew their support for them, their commander, and the counterinsurgency strategy that is bearing fruit and to always remember their families at home who wait for their loved one to return as soon as our mission is accomplished.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

#### GETTING RESULTS

Ms. STABENOW. Mr. President, I rise to respond to what has become a regular drumbeat in this Chamber in terms of the distinguished Republican leader and those on the other side of the aisle talking about how we have not accomplished anything this year, how the budget has not gotten done. It is important to continually remember what we have been dealing with as the new majority coming into the Senate

in January, laser focused on changing the direction and the priorities of the country, laser focused on getting things done for middle-class Americans who are counting on us, who feel squeezed on all sides and see prices increase on gasoline and health care and the cost of college, all those kinds of things that come down on Americans as they are working harder and harder every day, maybe facing the loss of a job or having lost a job, lower wages, and so on. Those are the folks we are fighting for every day and, I am proud to say, getting results.

It is important to realize what has been happening since January. Despite all of the lamenting on the other side of the aisle about not getting things done, what we have seen are 52 Republican filibusters so far this year—unprecedented, the number of times we have had to vote to stop a filibuster. By the end of this week, it will be 53 or 54. It will continue right on, as there are efforts politically to stop what we are doing to change the direction of this country and focus on those things middle-class Americans care about every day and want to see fixed. In spite of that, we are, in fact, getting things done.

One of the areas I am proudest of is our refocus in the budget on keeping our promises to veterans. We heard this morning that we need to pass a veterans budget. There is no question about it. There is no question about the fact that we not only need to, but we will. But we need to also remember that when we came in in January, last year's budget wasn't done yet. The previous majority didn't get the budget done at all in 2006. When we came in and were left, frankly, with a budget mess, we made sure that in the process of keeping the Government going, public services going for the balance of the year, we addressed veterans first and foremost by placing dollars into what is called a continuing resolution because we know our veterans have not been getting the resources they need, brave men and women coming home from Iraq and Afghanistan every day who have not been able to get the health care they need, too many caught in unfortunate bureaucracies.

We heard about Walter Reed and those who are receiving military health care and then moving to the VA, and too many folks who are getting caught in that process and being hurt by the process. We have made veterans and keeping our promises to them and our military the highest priority. We addressed the issues that came up regarding Walter Reed and passed the Wounded Warrior provisions in the Department of Defense authorization that my senior colleague from Michigan, of whom we are so proud, Senator CARL LEVIN, helped lead. He led that, and we are making those changes.

In the budget—and I am proud to be a member of the Budget Committee, which has made sure this has happened



under our great leader from North Dakota, Senator CONRAD—we have said for the first time we are going to fund veterans services at the level the veterans organizations say we need. We are going to use the numbers they recommend. We have seen consistently under this administration an underfunding of those things which are needed by our veterans coming home, the top of which has been health care, mental health services, and rehabilitative services.

We, since January, have made veterans health care the top priority. I am proud of the fact that we have added dollars. We have addressed the system problems. We have looked at what we need to be doing for families, both of Active military as well as our veterans. We don't have any concern at all about standing up and saying that we have been putting our veterans first, despite filibuster after filibuster after filibuster. Anyone watching will see more this week. It seems to be the nature of things today. But we have increased the dollars, the resources, the commitment—keeping our promises to veterans. We have done that in the budget for next year. We have done that in the funding available now. It is part of our overall vision and commitment.

We are getting results for middle-class Americans. That is what we are all about, the folks who are sending their children, husbands, and wives to the war to fight for our country, coming home, expecting us to keep the promises the country has made as it relates to veterans. We take that extremely seriously. We are keeping those promises as part of our efforts to get results for the American people. We intend to do that in this budget we will pass, that will go to the President, that will be historic in that it is keeping the promises to our veterans that they expect us to keep.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

#### FARM BILL

Mr. TESTER. Madam President, before I begin my speech today on the Wild Horse border crossing legislation, I want to say a couple things in reference to the farm will, and I will be speaking on it, potentially, later today. But if what I have heard this morning here in morning business is correct, I ask the leadership on the other side of the aisle to bring that caucus together.

The farm bill is far too important to play politics. It is a critical issue dealing with this country's food security and dealing with this country's family

farmers. As I have said many times before, if we ever lose family farm agriculture in this country, this country will change for the worse—no ifs, ands, or buts about it. This farm bill is a good farm bill, passing out of committee, I believe, unanimously. It is a bill that deserves an honest debate by this body and deserves passage. It is critically important that this happen very soon, that we set our differences aside and work together to get this bill done.

#### WILD HORSE BORDER CROSSING

Mr. TESTER. With that, Madam President, I want to announce that yesterday I introduced a piece of legislation that will establish a 24-hour port of entry at the Port of Wild Horse, which is north of Havre, MT.

This legislation will establish this 24-hour port on the Montana-Alberta border. American trade with Alberta is growing at a rapid rate. Excluding pipeline shipments, Alberta's exports to the United States have grown 86 percent over the last decade. America's exports to Alberta have increased 75 percent. So it is a good deal in both directions.

The United States now sells more than \$12.5 billion worth of goods to Alberta, most of which moves by truck through just five border crossings—only one of which is open 24 hours a day.

Commerce between the United States and Alberta is expected to increase. The Canadian development of the Alberta oil sands region means the United States is sending more heavy machinery north of the border. That is traffic which must move by truck. But today, truck traffic from Texas and other main shippers of these products must go hundreds of miles out of the way to reach the oil sands region. According to one Canadian study, an additional \$4 billion worth of goods will be needed annually as the oil sands are developed in Alberta. This represents more than 40,000 truckloads of goods each year.

If all these trucks—as well as the 160,000 trucks that currently pass through our 24-hour port of Sweetgrass—were forced to move through the one existing 24-hour border crossing, the result would be an average of 480 trucks crossing it every day of each year. There is little doubt that such a pace would be both economically insufficient and unsustainable for our security needs. It would be faster and more economical for many of these products to move to the oil sands area through an eastern Alberta crossing, such as a crossing north of Havre at Wild Horse, and that is exactly what this legislation will do.

The State of Montana and the Provincial Government of Alberta have both passed resolutions calling for an upgrade to the border crossing at Wild Horse. Over the next few months, Senator BAUCUS and I will work with our

colleagues and with Customs and Border Protection to determine how best to accomplish this goal.

I understand that CBP faces numerous staffing challenges in order to meet this proposal. I have tried in my short time in the Senate to highlight and address these challenges. But the cost of ignoring economic growth in Alberta and the border crossing needs in that region would be harmful to Montana's economy and to our Nation's economy. For that reason, I am pleased to have offered this bill.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RELEASE OF AITZAZ AHSAN

Mr. CONRAD. Mr. President, I rise today to speak about a matter of great personal concern with respect to events in Pakistan.

On last Saturday, a Pakistani leader, Aitzaz Ahsan, was arrested while conducting a press conference in Islamabad. Aitzaz Ahsan is one of the most distinguished jurists in Pakistan. He is the chief counsel to the Chief Justice of the Pakistani Supreme Court. He is the head of the Pakistani Supreme Court Bar Association. He is a longtime leader, or was a longtime leader in Pakistani Parliament. He has represented people ranging across the political divide in Pakistan, from Prime Minister Bhutto to former Prime Minister Nawaz Sharif. Sharif, although a political opponent, hired him to be his chief counsel.

Mr. President, this is a personal matter because Mr. Ahsan's son is a close friend of our family. I want to say further about Mr. Ahsan that he is pro-Western. He is prodemocracy. He was educated at Cambridge. His son is a close friend of our family, who went to Harvard University, graduated there, went to Yale Law School, graduated there, served in the very prestigious law firm of Cleary Gottlieb in New York, was then hired by Kofi Annan to be a speech writer for him at the United Nations, a post where he continues to serve.

I have, yesterday, written a letter to President Musharraf asking for the immediate release of Aitzaz Ahsan. Today, I am circulating a letter among colleagues asking them to sign the letter to President Musharraf, asking for intervention.

Mr. Ahsan is not the type of person who ought to be detained, arrested, threatened. That is not going to build respect for democratic institutions or for the future relationship of our countries.

I repeat, Mr. Ahsan is pro-Western, prodemocracy, somebody who has labored his life long to promote democracy and the spread of political freedoms in his country.

The family has not been in contact for more than 3 days. You can imagine how worried they are. We have even been told there was a move to arrest his wife and that she was not home at the time the security forces came to detain her.

I hope the Pakistani Government realizes how this looks to those of us who have been friends of this Government, who have respected the alliance between our countries, to have somebody like Mr. Ahsan arrested.

I repeat, he is the chief counsel to the Chief Justice of the Pakistani Supreme Court. He is head of the Pakistani Supreme Court Bar Association, is a longtime leader of the Parliament, somebody who has been retained as counsel by leading figures in Pakistan for many years when they encountered legal challenges.

I very much hope the Pakistani Government is listening. I have spoken to the State Department yesterday. We will have further conversations today. I am going to be asking the Ambassador from Pakistan to come and see me to discuss this matter.

I take this very seriously. When somebody of Mr. Ahsan's remarkable record and stature is detained in Pakistan—somebody who is pro-Western, prodemocracy, upholds all the values America stands for—that is a serious matter.

Mr. President, I hope the Pakistani Government is listening. I hope the State Department is listening. I hope my colleagues are listening. At our caucus today, I will circulate a letter and ask other colleagues to sign the letter to President Musharraf asking for Mr. Ahsan's immediate release.

If Pakistan is to have a future—and all of us pray that it will—it is critically important people of Mr. Ahsan's stature and standing are part of that future.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time is left in morning business?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. REID. OK. Whose time is it?

The ACTING PRESIDENT pro tempore. It is the majority's.

Mr. REID. OK. I do not see any takers.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. REID. Mr. President, if there is any morning business time left on the Democratic side, I yield it back.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The majority leader is recognized.

#### UNANIMOUS-CONSENT REQUEST—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent that amendments to H.R. 2419 be relevant to the bill or to the substitute amendment.

Mr. CHAMBLISS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I hope beyond all hope that we can have a farm bill that will be related to the substance rather than the procedure. It is a good bill. The committee has worked very hard on it. People have some problems with parts of the bill. But if we had a vote on the bill right now, we would get 70 votes. We are not going to be able to do that. People are going to come out here—and I suggest they are going to have to write new speeches. This has happened so many times, all you have to do is go to the CONGRESSIONAL RECORD and read what has gone on before. It doesn't matter whether it is a Democrat or a Republican who is majority leader, the same thing always happens when we are trying to get out of here.

This time we are trying to finish the work period before Thanksgiving. There are things we have to do. I say to my friends, do people really want an open process on this bill? Do we want to debate the war in Iraq on this bill? Do we want to debate amendments relating to labor issues throughout this country? I have been told those are some of the amendments that are going to be offered on my side. I have no idea what amendments the Republicans will offer, but I have kind of a good idea. I have seen the rule XIVs in the last few weeks and the very mischievous amendments that have nothing to do with the farm bill—political amendments.

We are late in this year of Congress. We have just a few weeks left, and every majority leader does what I have done. I didn't invent this. As I said earlier this morning, I learned a lot from my Republican counterparts—from Senator LOTT, when he was majority

leader, and from Senator DOLE. They did the same thing. I have to acknowledge that Senator Mitchell did it and Senator Daschle did it because it is the only way we can get the business of the country done.

We have had an open amendment process this year—not always but generally speaking. Once we got to the bills—and that has been tough—I have had to file cloture on motions to proceed, which has been a big waste of time. But we have been able to work our way through many different things we have done.

I think we have accomplished a great deal, Mr. President. We have done the minimum wage; the balanced budget, pay as you go; the CR; the work on U.S. Attorneys; the excellent work we did on higher education, health care for vets, and Active-Duty servicemembers; disaster relief, wildfire relief, SCHIP—a lot of good things.

So I hope everyone will understand HARRY REID hasn't invented what is taking place on the Senate floor. I am just copying what others have done. Why? Out of necessity. I have told everybody this farm bill is a pretty good bill. It is not everything I want, but one of the interesting things about American farm policy is we don't import 65 to 70 percent of our food as we do oil. Oil, we have been told, is soon going to go up to \$4 per gallon.

Food, Mr. President, we pay too much for food. But we pay far less, on a proportionate basis, than any other country in the world. Why? One reason is the farm policy in this country. Could the farm policy be better? Sure. That is why we are having a bipartisan effort to change the underlying bill. Democrats and Republicans think it could be better.

Mr. President, we should move forward on this farm bill and finish it. We only do it every 5 years. If there are amendments that deal with this, I have said—and that was my consent just asked—if there are relevant amendments dealing with farm policy, move to change it, debate it, and vote on it. That is all I am asking. But I don't want to debate the estate tax repeal. The American people don't deserve that at this time. I don't want to debate another SCHIP bill that a number of Republicans believe is the right way to go for children's health because they are in such desperate shape for the vetoes the President has done. I have mentioned just a few things.

Mr. President, we are doing the right thing. I hope people will go to work on the farm bill. Both Democrats and Republicans have worked for months on a farm bill to get here. Do you think it was easy for Chairman HARKIN to get a bill out of committee? No; it was difficult. How many meetings did he hold—private meetings—with this group or that group of Senators? I have no idea, but there were scores of them. We are at a point where we are today so that we have a farm bill that received overwhelming support in the



Agriculture Committee, and now it is on the Senate floor. For the American people, we need to do this bill.

Mr. HARKIN. Will the leader yield for a question?

Mr. REID. Yes, without losing my right to the floor.

Mr. HARKIN. I thank the leader for his statement. I just want to make sure everyone understands what just happened. As I understand it, the majority leader propounded a unanimous consent request that all amendments to be offered to the farm bill be relevant to the farm bill; is that not correct?

Mr. REID. That is exactly what I said.

Mr. HARKIN. There was objection on the other side. Why would there be an objection to that? We have a farm bill, and we have worked hard. The leader is right. We reached a bipartisan agreement. I daresay none of us like every little bit in the farm bill, but that is the art of compromise. You compromise on these sorts of things and you move them ahead.

I don't know, for the life of me, why there would be an objection to saying that all amendments should be relevant to the farm bill. Let's move the farm bill. I hope people in farm country are watching this. I hope agribusiness is seeing this. I hope people know what is at stake in this farm bill for rural America for specialty crops, for our dairy farmers, for rural development, and I might add the nutrition programs, food stamp recipients, things that we have done good work on in this bill, to provide an underpinning of nutrition and support for some of the least among us. We have done good work in that area. Now it is held up because some people want to offer nonrelevant amendments. For the life of me—and this is my seventh farm bill, counting my time in the House, and my second as chairman—I don't understand why we cannot have a bill. Yes, open it to amendments on the farm bill. If people have amendments on the bill and want to change this, add this, or subtract that, fine. But why should we now debate, as I said, the war?

Can the leader think of any reason we should not just stick to the farm bill?

Mr. REID. I say to my friend, the chairman, and to the ranking member, who have worked well together, I am not saying we are only going to allow Democratic amendments to be offered. I have made it very clear in my presentation to the Senate this morning that I am talking about mischievous amendments not only by Republicans but my colleagues over here.

I also say this of the farm bill: I was listening this morning to public radio as I was doing my exercise. There was one provision that struck me on this bill. Over a billion dollars for fresh fruits and vegetables will go to schools. That may not sound like much to people. I was raised, as everybody knows, in rural Nevada. When I was a boy 9 or

10 years old, the only grocery store in Searchlight burned down. It was never rebuilt. To this day, I like canned asparagus better than fresh asparagus. I love canned peas and canned fruit. The reason is, we never had fresh fruits or vegetables. We didn't have them and could not buy them. We all know fresh fruits and vegetables are better than that heavily salted stuff you get in a can that I am used to eating.

This bill is going to say the kids in Searchlight today are still—there are a few, such as the 7-Eleven you can go to.

Places, such as where I was raised, where there are no stores, but they have some food programs, they are going to be able to have fresh fruits and vegetables on occasion. Isn't that great? I would know—I am using me as a point of reference—what a fresh asparagus is, an apple, an orange. So this is a good bill. It has a lot of warts and pimples on it, but it is a good bill. I only picked one provision.

Why don't we go ahead and try to get this bill passed? I am not trying to play any games with anybody. I am trying to do what I have made a decision on that I think is best for the American people. Do we want to spend all this week on one amendment? People say: How would that happen? Let's go back to the Amtrak legislation. What happened when we went on that bill? As soon as it was open for amendment, bang, out came a tax amendment, and we spent all week on it, Internet tax. I am glad it is done, and that issue has now been sent to the President. He signed it. But we do not have time to do that this week. We must get an appropriations bill to the President. The House is going to work and send us something tonight. The President will wind up getting Labor-HHS later this week, unless we get hung up on some procedural issue.

We need to pass the Defense appropriations conference report, with a CR included in that, this week. So this is no effort on my behalf to try to circumvent rules or procedures. I am following the rules of the Senate to the letter. But I am saying, I repeat, I am doing what every majority leader has done, similarly situated, in recent history.

I said I hope we can deal with this important bill as we focus on efforts to pass an important farm bill. It appears the minority intends to offer unrelated amendments to the farm bill. They will have to wait until later to do that. Hopefully, maybe the time we are here during December, there will be amendable vehicles we can deal with. I hope we can work on this bipartisan farm bill in an orderly, relevant fashion.

So in an effort to keep this debate focused on farm-related issues, I intend to fill the amendment tree, but I will be willing to lay aside pending amendments for Members who wish to offer farm-related amendments to this bill.

I ask the Presiding Officer to lay down the bill.

## FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3508 TO AMENDMENT NO. 3500

(Purpose: To strengthen payment limitations and direct the savings to increased funding for certain programs)

Mr. REID. Mr. President, I call up an amendment on behalf of Senators DORGAN and GRASSLEY. The amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DORGAN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3508 to amendment No. 3500.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3509 TO AMENDMENT NO. 3508

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3509 to amendment No. 3508.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect 1 day after enactment.

Mr. McCONNELL. Reserving the right to object, I wish to make a few comments at this point.

Mr. REID. Mr. President, I apologize to my distinguished colleague. That was actually in my script and I should have done that. I apologize for not doing that. Without losing my right to the floor, I yield to my friend. I apologize.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, the majority leader is certainly within his

rights to do what we call "filling up the tree." It has certainly been done by majority leaders in both parties over the years. But let's get a picture of what we are talking about.

As I understand it, this is the amendment that has been offered. What my good friend, the majority leader, is saying is that in response to this amendment, the minority, this side of the aisle, will get an opportunity to offer only those amendments the majority leader allows us to offer.

The farm bill is a very important bill. It happens about every 5 years. There are many people interested in agriculture, school nutrition, and energy and others who have an abiding interest in this bill. The minority is going to insist on an open process.

The last time we enacted a farm bill, the Democrats were also in the majority and Senator Daschle was the majority leader. I asked my staff to check on what the procedure was then.

Senator Daschle attempted to limit amendments through early cloture, which is another procedural way to shut out the minority. Three cloture votes failed. They were not supported by the Republican minority. According to my notes, on the third day of consideration, a cloture motion ripened and failed by a vote of 53 to 45. The second cloture vote occurred 5 days later and also failed by a vote of 54 to 43. A third cloture vote failed by a vote of 54 to 43.

Senator Daschle pulled the bill but returned to it later, and after 6 days of floor consideration, the bill passed without a further cloture vote being necessary.

So let's look at the way farm bills have typically been handled. That is the way it was handled in 2002. In 1985, there were 30 rollcall votes; in 1990, 22 rollcall votes; in 1996, 10 rollcall votes; and in 2002, the year to which I was referring in which there were multiple cloture motions filed and cloture not invoked, there were 23 rollcall votes.

I don't know, there may be a few people in the Senate who don't want to pass a farm bill at all, but that certainly is not the view of the Republican leader, certainly not the view of the Senator from Georgia, our ranking member on the Agriculture Committee. But we are going to insist on a fair process.

We can get this bill done the easy way or the hard way. I think a better way to do it would be to understand that a bill of this magnitude is enormously significant, something we only do every 5 years. The Republican minority is going to insist on an open process, which is what we will get to, one way or the other, in going forward. I don't think that is unreasonable.

I thank the majority leader for giving me an opportunity to make some observations.

Mr. REID. Mr. President, this is not a tit for tat. Each time we do the farm bill, it comes at different times in the year and different situations and circumstances. I explained to both the

chairman and ranking member that I have no intention of filing cloture this week. But there will be a time we will have to file cloture. We have such a small amount of time left this year and next year with the Presidential elections coming and all the other business we have to do that there will not be five cloture votes on this farm bill. People who vote no on cloture the first time should understand they may not get another chance to vote cloture on the bill, and there will be no farm bill. This is not a threat, it is what we have to deal with in the Senate.

I also say to my friends on the other side of the aisle, once I complete the amendment process, the Republicans have equal authority as I do whether other amendments will be heard. It takes unanimous consent to set an amendment aside, and they have as much control over that as I do. So I am not the ruling authority on that issue. It takes both the Democrats and Republicans to move down the road.

#### AMENDMENT NO. 3510

Mr. REID. Mr. President, I call up an amendment which is at the desk, to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3510 to the language proposed to be stricken by amendment No. 3500.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

This section shall take effect 3 days after the date of enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3511 TO AMENDMENT NO. 3510

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3511 to amendment No. 3510.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike 3 and insert 4.

#### MOTION TO COMMIT WITH AMENDMENT NO. 3512

Mr. REID. Mr. President, I send a motion to commit to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. REID moves to commit H.R. 2419 to the Committee on Agriculture with instructions

to report back forthwith with the following amendment numbered 3512.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

This section shall take effect 5 days after the date of enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3513

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3513 to the instructions of the motion to commit.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the motion strike 5 and insert 6.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3514 TO AMENDMENT NO. 3513

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3514 to amendment No. 3513.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment strike 6 and insert 7.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, as I indicated earlier, I am disappointed with the majority leader's announcement that he would fill the tree, which he just did, and not allow the amendment process to perfect the farm bill. Our colleagues on the other side of the aisle have had all year to complete a farm bill prior to September 30, when it

expired. Yet we waited until now, 2 months after the law's expiration, to bring it to the floor. Now we are told by the majority there is too much to do in this final 2 weeks for us to have an open and fair debate on the farm bill. It is another unfortunate example of mismanagement of this Congress.

Furthermore, filling the tree and shutting out amendments is not consistent with previous statements by the majority on this bill. For example, yesterday, Chairman HARKIN reported the farm bill debate would be "wide open as usual in the Senate." The majority leader's own spokesman expected an open debate when he said:

The farm bill is the last truly amendable vehicle moving through the Senate this calendar year.

But the majority leader's words and actions seem to be exactly contradictory to this promised wide-open process, stating unequivocally yesterday afternoon that we are not going to have an open amendment process on this bill, and he has confirmed that, as we all know, again this morning.

Unfortunately, we have been down this road before. Almost at the inception of the last farm bill debate, as I was describing earlier, then-Majority Leader Daschle filed cloture in an attempt to similarly limit amendments. After only 2 days of debate and only six amendments, a cloture vote occurred on December 13, 2001, even a little bit later in the calendar year than we are in now. Not surprisingly, the cloture motion failed 53 to 45.

Similar to a bird continuing to slam into a paned-glass window, we had a second cloture vote on December 18, 2001, getting close to Christmas, with a similar vote of 54 to 43. Again, on December 19, 1 day closer to Christmas, in 2001. Not surprisingly, the contentious debate took up most of December.

However, after the majority finally agreed to open the amendment process, something that will ultimately be done here, in my view, the farm bill returned to the floor on February 6, 2002, no further cloture votes were necessary, and final passage occurred fairly quickly about a week later.

Let's not beat our head against a wall again this time. One of my favorite old sayings from rural Kentucky is: There is no education in the second kick of a mule. Our Nation's farmers are too important to wait until February.

Finally, look at the farm bill sitting on the desk in front of me. I held it up a while ago. It is quite thick. Reported by the committee less than 2 weeks ago, it totals 1,600 pages. Is the other side of the aisle suggesting this behemoth of a bill cannot be improved by an open amendment process? Surely, that is not the suggestion being made.

I am surprised and disappointed we are in the position we are in. This is not the way the Senate likely will be allowed to work on a very large bill that we only address every 5 years. It is not going to be rubberstamped by fiat.

I am dismayed by the attempt of the majority to ramrod this bill through, especially since the ink on 1,600 pages is barely dry and the administration claims it contains \$37 billion in new budget gimmicks and new taxes.

Let's have a fair, open debate. Believe me, I say to my friends on the other side of the aisle, that is the way you get a farm bill completed. Our farmers and rural communities deserve no less and, hopefully, we can get back at the posture we ought to be in on this bill in the very near future.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I agree with my friend from Kentucky. Farmers do deserve more than what is going on here.

You know, I took only one course in logic in college, but I did pretty well in that course. And what I would say to my friend is, it is illogical what he is talking about. A 1,600-page bill that needs to be improved can only be improved—if, in fact, people think it should be improved—by offering amendments to it—amendments to the farm bill. Every farmer and rancher in America should understand we are trying to pass a farm bill. We have said any amendment you want to offer to this big bill, offer it, but it has to be relevant to the farm bill. That is all.

That is not a closed process. It is an open process. How can you have it both ways? The ink is hardly dry on this, is a gross overstatement. This bill has been around for several weeks now—not in its final form, but everyone knows what is in this bill. The tax portion was a little late in coming, but it had been worked on for a long time.

This is a bill upon which Democrats and Republicans agreed. It is a bill that is here by virtue of that bipartisanship. The House has already done their bill, and a lot that is in this bill is in the House bill. So if this bill needs to be improved, let's improve it. Let's improve it. I have said let's offer amendments.

One of the amendments that might be offered, and we have debated it before, is dealing with payment limitations—a bipartisan amendment offered by DORGAN and GRASSLEY, two senior Senators who come from farm States. They think this bill can be made better. What are they doing about it? Offering an amendment. That is what this is all about.

So for people to lament a closed process, look what Senator Daschle did—two amendments before cloture. Mr. President, I don't have any concern about how many amendments are offered, as long as they are relevant to the farm bill. That is all.

Mr. MCCONNELL. Would my friend yield for a question?

Mr. REID. Sure.

Mr. MCCONNELL. I never served in the House of Representatives, but my question is—it strikes me, I would say to my good friend, the majority leader,

that he is attempting to act as if he is chairman of the Rules Committee in the House in determining what amendments would be allowed. Under this filling-up-the-tree process, where the majority leader is then positioned in order to allow the tree to be open and select amendments, is it not the case that my definition of "open" would probably not meet yours in the sense that you would be, yourself, selecting which amendments would be allowed?

Mr. REID. Mr. President, I have served in the House of Representatives. It was a wonderful opportunity for me to understand the Congress. The House is a great institution but much different from the Senate. In the House, if you are in the majority, you can pretty much do as you want to do. That isn't the way we do it over here.

As I indicated a few minutes ago, the first amendment I offered, I offered on behalf of Senators DORGAN and GRASSLEY. If someone wants to offer another amendment, I don't control that. Any one Senator who wants to offer another amendment, let's take a look at it. I don't control that. It takes consent from both sides, or the pending amendment must be set aside and another offered. I am not controlling that.

That certainly is not like the Rules Committee. The Rules Committee in the House sets what amendments can be offered—usually not very many—and how much debate time they can do on that amendment. That isn't anything like we are doing. What I am saying is, we have this big bill, and a number of people have said it can be improved upon. I am willing to work with the Democrats and Republicans to try to improve it, but it will not be improved by nonrelevant amendments.

I have mentioned some of the suspects that are lurking out there: provisions dealing with repealing the estate tax and getting us out of Iraq immediately. I mean, there are all kinds of suspects there. I am saying, if people want to change this bill, let's try to change it. I am not standing in the way of doing that, Mr. President.

Mr. GREGG. Will the majority leader yield for a question?

Mr. REID. Are you asking a question?

Mr. GREGG. Yes.

Mr. REID. I am sorry, I was preoccupied.

Mr. GREGG. So I am clear as to what the process is now that has been structured, you have used the term it has to be a "relevant" amendment. But, essentially, under the present process, is it not true that for any amendment to move forward in this body it would have to move forward on the basis of unanimous consent to set aside the pending amendment?

Mr. REID. The distinguished Senator is correct.

Mr. GREGG. Mr. President, if the majority leader would yield for a further question, essentially, we have set up a process which is extremely constricted. And, in fact, in comparison

with the Rules Committee, it is even more constricted than the House process because any Member—and there are 100 Members in this body—who does not like the fact somebody is going to offer an amendment which might affect their interests—and, believe me, there isn't an amendment that will be offered that would not have opposition on the other side—is going to be knocked down by an objection from that individual Member.

So you have essentially shut the floor of the Senate down because the only amendments that can be brought up would be amendments that would have unanimous consent, which means 100 people have to agree to them. Basically, they are amendments of no impact or significance, relevant or irrelevant.

Mr. REID. I would be happy to respond to my friend. I smile because that is the way every bill comes before the Senate. That is the way it works. Once you lay down an amendment and you want to set it aside, you have to ask unanimous consent to set it aside. Today is no different from any other day. That is the way it works here.

I have bragged about my friend before. He has served in the House, he has been Governor of his State, and he is now a longtime Senator. He knows that. Every time we have a bill here, and you have an amendment that has been laid down, the only way you can set that aside is by unanimous consent. No one Senator can start offering amendments.

So this bill, I say to my friend, is no different than any other bill we have done in that regard. The only difference is, I laid down the first amendment on behalf of Senators GRASSLEY and DORGAN.

Mr. GREGG. Mr. President, if the majority leader would yield further, of course, the end of that sentence should have been: Yes, but I control the ability to allow those amendments to come forward.

And, in fact, it has been made fairly clear that control will be exercised by the leadership in a way that limits amendments that are brought forward to those which are agreed to by the majority leader until we get to the point where the majority leader is going to file a motion for cloture, which, on a farm bill, of course, would most likely be successful because we all know everybody around here is "in the field," so to say. I would not say "in the tent," but they are in the field for the farmer.

So as a practical matter, this is an extraordinarily closed process. Just to use one example, the majority leader said—he threw out, and maybe it was just a throw-away line—estate taxes shouldn't be brought onto this bill because they are not relevant, under the majority leader's terms. If I want to offer an amendment which says we should reform the death tax—which I might like to offer in light of the fact there is a tax title there—I happen to

think that has a huge impact on the farming community because, for the most part, it is family farms and small businesses that are most impacted by the death tax. But we have already been told that would not be a relevant amendment.

Mr. REID. Mr. President, any Senator—not me, any Senator—on any bill has the same power I have to stop the setting aside of an amendment to offer another amendment. It is not me. The Senator from New Hampshire can do it, the Senator from Arizona, or the Senator from Georgia can do it. The Senator from Iowa can do it. Any Senator; it is not me.

I laid down the first amendment by virtue of being the majority leader. I have the right to do that. But that is about as far as it goes. Anytime after that, it takes unanimous consent to set aside that amendment. I agree, and offered a consent agreement, that any relevant amendment Senators want to offer, they should be able to do that, and that was objected to. But for my friend from New Hampshire to try to give a little mini lecture on what we are doing is different than anything we have ever done in the past, every day we are on a bill, it happens the way he has described it. Any one Senator can stop another Senator from setting aside an amendment and offering another amendment.

Mr. GREGG. Mr. President I don't want to beat a dead subsidy, so I will constrain myself to this last question.

The point is pretty obvious. Sure, any Senator on any bill can object to setting aside an amendment. That is not the way the institution has ever worked, in my experience. The way the institution works is the amendment process is a free-flowing, Wild West exercise around here, especially on bills such as this, which are huge authorizing bills with a lot of mandatory funding in them. Amendments are simply taken up in seriatim as they are offered.

What will happen now, and the majority leader has been specific about this and very open about this, he is going to limit the ability to bring forward amendments, and the unanimous consent is not going to be granted unless he deems those amendments are relevant to the underlying bill, which means in his context of what is relevant. Well, a lot of us will have different views on what that means, as I pointed out on the death tax alone as an issue.

So this is a process of shutting down the amendment process on the farm bill. The last time we debated the farm bill, we had 245 amendments and 19 rollcall votes, and we were on it for 4 weeks. I think on the first day or the second day of the farm bill debate around here, for those of us who may not be enamored with the bill, even though we know a lot of effort was put into it—because it spends a lot of money, creates a lot of new subsidies and programs, and uses a lot of budg-

etary gimmicks—we would like to have a much more open process, and I am disappointed we are not going to.

I yield the floor.

Mr. REID. I am not going to, as my friend said, belabor the point, but my friend from New Hampshire has made my case for me—4 weeks, 245 amendments, and 19 rollcall votes. I have no problem with the 19 rollcall votes. I do have a problem with 4 weeks. I do have a problem with 245 amendments. That is why I think we should have a process whereby people offer amendments, if they are relevant, to the farm bill.

In the time we have spent debating this—and we only have 15 minutes before we take our usual weekly Tuesday break—we could have taken up at least one amendment. The people who offered this huge amendment, a big amendment, and we had it described, for me, it is a pretty easy deal. I have been here when this has been debated before. Most everyone who has been here has heard this debate on numerous occasions. So I am sure they will go back, Senators DORGAN and GRASSLEY, and pick out their favorite statements they made before, and they will talk about it again. They do not want a lot of time on it. So we could dispose of this amendment very quickly, as we could most every other amendment on this bill.

But as I say, my friend has made my case for me—245 amendments, 4 weeks. I repeat: I don't have a problem with the 19 rollcall votes, but the only ones stopping the amendment process are my friends who think somehow this is different than other pieces of legislation we have. The difference is I offered the first amendment. And I am very happy, as the chairman of the bill is, and other people on this side of the aisle who are very concerned about the passage of this bill—they want it passed—to be cooperative. If there is something wrong with this bill, offer relevant amendments. If there is something in there you want to cut, that is always relevant, to cut things in a program, at least that is my understanding.

The only ones stopping the amendment process are my friends on the other side of the aisle. They are making a big deal out of nothing.

Mr. McCONNELL. Would the majority leader yield for a question?

Mr. REID. I yield to my colleague.

Mr. McCONNELL. The fundamental problem, I would say to my friend, the majority leader, is: What incentive do Members on my side of the aisle who object to the process have to grant consent to set aside an amendment? What incentive do they have?

I would expect, just guessing, the senior Senator from New Hampshire may not be very enthusiastic about the underlying bill. By setting up a process like the majority leader has set up, in which a number of Members on my side believe the process is unfair, what is their incentive to give consent for the

majority leader to set aside an amendment and then allow an amendment of his choosing to be dealt with?

Mr. REID. I would be happy to respond to that. Mr. President, I think there is tremendous incentive. First of all, they could have their amendment heard—their relevant amendment. And there is nothing to stop us from having the managers of the bill sit down and work out a procedure where they can come up with 10 relevant amendments—amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10—to this bill. Do one, do the other, and we can try to work out time agreements on these matters.

So there is tremendous incentive, because I am convinced there are people on both sides of the aisle who have problems with this bill. Some do not like the bill and they want to change it; others want to improve the bill. They want to do that in good faith. So the incentive would be, as I have said to my dear friend, the Senator from Kentucky, to have their amendment and others heard.

There is nothing to prevent the manager of the bill from coming up with a series—I would even go as far as to say my distinguished friend, the Republican leader, if he wants to have the final say with me, if the managers do a good job, I would be happy to include him in the mix. But there is a lot of incentive. We could, in the next couple of days, work out a procedure to get rid of a lot of amendments that are relevant to this bill and would either improve the bill in the mind of some people or make it a little worse, which is the goal some people have.

There is tremendous incentive here, because we could agree to—we might arrive at a point where people say we have had a pretty good opportunity to change this bill; we do not need to do an Iraq amendment; we do not need to do an amendment dealing with firefighters that has no bearing on this bill. In fact, what we need to do is work on making this bill one where people have the opportunity to offer amendments on the farm bill that are relevant.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, let me sum up where I think we are. It has been a very interesting and enlightening discussion. But here is where we are. The Senate is gridlocked on the farm bill because of the decision to fill up the tree. And now where we are, as the distinguished Senator from New Hampshire has pointed out, is that any one Senator, any one of the 100, can object to an amendment being set aside in order to consider another amendment.

What will have to happen at this point is, as it happens every day on virtually every bill, the majority leader and I are going to have to sit down off the floor of the Senate and talk about the way forward, because we will not be able to go forward in our current circumstance because of the decision

by the majority to shut out the minority, or contrarily to select what amendments will be permitted. That is simply not acceptable on this side of the aisle.

So it has been an interesting and useful discussion, and I am sure to some C-SPAN viewers quite boring, because it has largely been about procedure.

Nevertheless, that is where we are. We are going to have to do what we do every day in the Senate, sit down and figure out the way forward. The farm bill needs to pass. We hope it passes sometime in the near future. But we are going to insist on a fair process consistent with the way farm bills have been debated in the past.

Mr. REID. Mr. President, I know my friend from Arizona has been here and very patient. I guess the question I would ask—I have been asked most of the questions, but I do not ask any one person to answer this to me. But the question I have is: Why would there not be an agreement to my suggestion, my proposal? Let's debate the day-lights out of this bill, offer amendments. What is wrong with that? Is it because there are people wanting to offer unrelated amendments to the bill? I mean, what in the world is wrong with what we are trying to accomplish here? It is a big bill. We do it every 5 years. People should have an opportunity to change it. I think they should do that. Why would they not want us to do that? Is there something I am missing here? I mean, is it their last opportunity to do—as Senator Dole used to refer to as decorating a Christmas tree? Is that what they want to do? Is this their Christmas tree to try to decorate it? I do not understand it.

I say to everyone within the sound of my voice: Do we need on the farm bill amendments relating to labor issues? Do we need amendments dealing with Leave No Child Behind? Do we need amendments relating to environmental issues? Global warming? Do we need amendments dealing with Iraq, the war in Iraq, Afghanistan, or the situation now in Pakistan?

I do not think so. I think we need to work on this bill, get as much of it done as we can this week. I think it will spill over into next week, but in the process, we are going to have to find time to do a conference report on the Labor-HHS bill. That has a rule violation in it, perhaps; we have to do the Defense appropriations bill with the CR. Those are the must-do items.

Now I am not trying, as I have said so many times here, to stop an open amendment process on this bill, except I want them to be relevant. I think most everybody does who has any dealing in this farm bill. I do not expect the ranking member to get engaged in this. He has responsibilities to listen to his leadership, and that is understandable.

I will bet if the truth were known, those Senators who have worked so hard on this bill are thinking to them-

selves: Now, what has REID said that is unreasonable? What he has said is: I have offered the first amendment, and it is not my amendment. I am not selfish, wanting my amendment to be heard. I have offered a bipartisan amendment that we know must be debated before this farm bill is completed. And then I say, anyone who wants to offer another amendment relating to the farm bill that is relevant: Have at it. I am not going to stop anyone from doing that. I don't think anybody on this side will either.

The Republicans are not having a debate on the farm bill, for reasons that are beyond my ability to comprehend, unless it is the Dole theory of trying to put new lights on the Christmas tree.

Mr. GREGG. Mr. President, I appreciate the majority leader's explanation of his position. But I think in his own explanation he raises the issues on which we are concerned. He has now taken off the table the estate tax. I cannot think of anything that is more relevant to the farmers, to the family farm, than the ability to pass that farm on to your children without having it wiped out by punitive and other inappropriate taxes, the death tax.

He has now taken off the table global warming issues. Well, I have to say from my little knowledge of that issue—I studied it a bit, I have spent a lot of time on it in a couple of narrow areas such as acid rain. Farming is a critical issue in the issue of global warming. What is done on a farm has a huge impact both positively and negatively on global warming.

Then he took off the table the issue of labor, labor questions. Well, in my experience, labor questions have a huge impact on farm policy, especially the immigration labor issues, how you get people who are immigrants to help you pick apples in New Hampshire, and the potatoes in Idaho. That is a labor issue.

So his concept of relevance is an extremely narrow one. But his concept of relevance is going to be the concept that disciplines this floor relevant to amendments being made.

The Senate was never conceived as being the House. This is supposed to be the place where we get into debates, where we exchange ideas, where people throw out a thought on a bill such as this that is fairly significant, and it gets debated, a position. But that is not going to happen on this bill because the majority leader has decided to execute a process which is even more constricted than what would be the House procedure under this similar bill.

It is certainly inconsistent with the traditions of the Senate, on the issue of the farm bills specifically, but on our traditions generally. He used my statistics to support his position. I do not see how he can do that, quite honestly. Farm bills have always involved significant debate on the floor. Why? Because they are huge policy issues which affect a lot of people in this country—everybody who eats, to begin with, and

that is about everyone—and obviously the farm community, which is the producers of food and do an extraordinary job for our Nation. They have always taken a long time on the floor to debate—weeks, usually. And they have always been open for amendments, which is totally reasonable because of the complexity of the bill. They have often brought in issues such as the death tax, immigration, labor, and how you get migrant labor, global warming, and in the case of New England, for example, they brought in the question of these subsidies, which we find a little difficult to tolerate, which are now being expanded to asparagus. There is a crop that needs a subsidy or the walking-around money that has been put in this bill for the purpose of disasters or the fact that there is probably \$20 billion of gimmicks put in this bill that are budgetary games or the fact that they have moved mandatory spending over to tax expenditures.

What an outrage on the budget process. They opened a \$3 billion add-on in mandatory spending so they could go out and spend that on various interest groups by creating a tax credit. The list goes on and on and on and on.

Why should we not on this bill get into a debate over the issue of tax policy? Because tax policy underlines the way this bill is paid for. The Senator from Arizona has an extraordinarily good proposal on the death tax. Why should that not be on the table here?

The whole issue of AMT should be on the table, in my humble opinion, because there are a number of farmers, by the way, who pay the AMT tax, a number of them. There are going to be a lot more when we bump up to 20 million people paying that tax next year. These are all relevant to this bill, in my humble opinion, of what relevant is.

By the way, in the Senate, relevance is everything when it comes to the open amendment process. We are not functioning under postcloture rules here. Relevant is irrelevant when it comes to a bill on the floor of the Senate. Anything can be amended in any way, and it is an open bill. That is the concept of the Senate.

If somebody wants to put on this bill policies relative to Nicaraguan housekeepers, they can put that amendment on traditionally. That has no relevance at all to the average American looking at it, but it is the Senate's prerogative.

So we are undermining the fundamental prerogative of the Senate and every Member of the Senate, I think in a very damaging way. I am disappointed in the decision by the majority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I had hoped to ask the majority leader a question here, but I think my question has already been answered, so I will simply make this point.

There may be extraordinarily unique circumstances where once in a blue

moon it is important to move a very focused piece of legislation in a very hurried period of time so that the majority is warranted in setting up a process such as that which has been established for this bill, where there are no amendments unless the majority leader says so. But that is not the situation with this bill. It never has been with the farm bill. This is the bill we are debating that we are taking up. And to suggest that the Senator's prerogative to offer any amendment—a lot of times they get voted down because they do not have the support—but the Senator's prerogative to offer an amendment is going to be eliminated through the gatekeeper of the majority leader or any other member of the Senate who can object, is to derogate the basic rule of the Senate and eliminate a basic right of Senators.

I recall not long after I got here, my colleague from Arizona objected to the then-majority on this side establishing a process that was not this drastic, but in some respects limited the right of amendments. He said: The Senate is the body in which any Member has a right to offer an amendment. It will be wrong for us to do that. Our leadership relented, and there were amendments allowed on the other side that got us over that impasse. That is what our minority leader was referring to a moment ago. You cannot impose a sort of dictatorial process where one person gets to decide whether you offer an amendment in the Senate.

Sooner or later that process is going to break down. And on a bill as big as this bill, with as many diverse interests as the Senator from New Hampshire was talking about, it is not right that Senators not be allowed to offer amendments. Again, if they are not good amendments, they are going to be defeated, and they can always be tabled at any time, so they do not have to take up time. If I offered a silly, non-germane amendment, any of my colleagues could immediately move to table that amendment. Assuming it was simply nongermane, that motion to table would presumably pass. That whole thing would transpire in less than half an hour.

So it is not about Republicans trying to take too long or offer silly amendments; it is about the regular process which ordinarily allowed us to offer amendments of our choice, not the choice of another Member of the body. I would hope the majority would reconsider, and that we could, after lunch, proceed with the process that is more amenable to all Senators being able to offer amendments they choose to offer.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I only hope that both the minority and the majority can figure out a way of moving forward with what has been a labor that has taken up both Republican and Democrats for the last 2 years to develop what is a very good farm bill. What the majority leader is attempting

to do is to get us into a process where we will ultimately get a farm bill to cross the finish line, which is good for America. I hope the Republican minority can work with us to try to figure out a way forward to get us across the finish line.

I yield the floor.

# RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

## FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Georgia.

Mr. CHAMBLISS. What is the status of the Senate?

The PRESIDING OFFICER. Amendments submitted to the bill.

Mr. CHAMBLISS. I am sorry?

The PRESIDING OFFICER. Amendments are pending to the bill.

Mr. CHAMBLISS. I ask unanimous consent that three speakers—Senator SALAZAR for 20 minutes, ALEXANDER for 15 minutes, and DORGAN 20 minutes—go in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized for 20 minutes.

Mr. SALAZAR. Mr. President, I rise in strong support of the 2007 farm bill. Before I go to the specifics of the bill, I wish to acknowledge those who have worked so hard in getting us where we are today.

This has been a huge undertaking spread out over several years, starting under the leadership of Senator CHAMBLISS and his work in the Agriculture Committee. The hearings he held around the country, the hearings he held in the West and the Southeast, all over, contributed greatly to the bipartisan product that is before the Senate today. In addition, the leadership of our chairman, Senator HARKIN, a man from farm country whose heart and soul are about making sure agriculture and rural America thrive—his leadership and the help of his staff in getting us to this point today is something we all must acknowledge and something for which I am grateful and something for which the farmers and ranchers in rural Colorado are grateful.

I also acknowledge both Senators BAUCUS and GRASSLEY and their leadership on the Finance Committee. The energy and specialty crops and conservation pieces of the farm bill have been significantly enhanced by the actions taken by the members of the Finance Committee. Without the leadership and bipartisan example of Senator BAUCUS and Senator GRASSLEY, we would not be where we are today.



It goes without saying that even though there are many laudatory comments given to the chairman and ranking member of both the Agriculture and Finance Committees, there are working on both of those committees many other Members of the Senate who have helped craft what I believe is one of the most historic pieces of legislation to come before this body. It will open a new chapter for agriculture and rural America, a product of which I am very proud.

I also thank the agricultural leaders in my State of Colorado who have been so helpful to me over the last 2½ years as we have helped craft the farm bill before the Senate: Commissioner John Stup, the commissioner of Colorado's Department of Agriculture; Kent Peppler and Lee Swensen with the Rocky Mountain Farmers Union; Alan Foutz and Troy Bredekamp, leaders of the Colorado Farm Bureau; Nick Midcap, Darrell Hannavan, and Dusty Tallman, who have labored so hard on this bill, who are with the Colorado Wheat Growers Association; Byron Weathers and Mark Sponslor, leaders of the Colorado Corn Growers Association; Terry Frankhauser with the Colorado Cattlemen's Association; Scott Johnson and Bill Hammerich with the Colorado Livestock Association; and from the Independent Cattlemen of Colorado, Doug Zalesky, John Reid, and Reid and Kathleen Kelly. I thank Gregg Yando with the Colorado Dairy Farmers of America, Jim Ehrlich with the Colorado Potato Administrative Council, and a host of other Colorado people who have been instrumental in our efforts in moving this bill forward.

This legislation is truly a bipartisan, forward-thinking, balanced package. It is truly the example of how this Senate ought to work, bringing Democrats and Republicans together on what is a major issue. The effort of Senator REID, the majority leader, to get us to a point where we will reach conclusion on this bill is something I appreciate. This is, after all, the farm bill. We ought not be debating the great issues of our time, whether those be Iraq or immigration or issues having to do with Latin America, issues that are extraneous, on this legislation. Senator REID's effort to make sure what we are doing is to keep the focus of this bill on agriculture and rural America and the substantive components of the farm bill is important. I hope my colleagues on both sides of the aisle, Republicans and Democrats, will say: Yes, we have to get a process that gets us to conclusion on the farm bill.

Today is a particularly proud day for me. The occupant of the chair was very involved in helping me understand the importance of becoming a Senator. For that, I will always be appreciative. I still remember that in my maiden speech on the floor more than 2 years ago, I spoke about the possibilities and the promise that America's small towns and rural communities offer for a country that is in need of clean re-

newable energy, a secure food supply, and responsible stewardship of our land and our water. Unfortunately, for too long Washington has overlooked the opportunities rural America can provide and, through a policy of neglect and disinterest, has allowed small towns and rural communities across the country to wither on the vine.

This legislation will change that course of neglect. The bill before us will bring new life and energy to rural America. It will do so in a number of different ways. It will do so through a set of smart investments that help farmers and ranchers and business men and women build a clean energy economy that has its roots in the fields of America's farmers and ranchers. It lays the infrastructure for rural broadband and microbusiness loans for accelerated economic development in rural areas. It creates incentives for the wise stewardship of land and water—practices from which we can all benefit. It puts money into nutrition programs that take on the scourge of hunger and allow low-income children to learn in our schools. It helps bring balance and certainty to the agricultural markets so that Americans can continue to enjoy a healthy and secure food supply. It does all of this while closing loopholes that have allowed Federal dollars to end up in the hands of people who should not have been eligible for assistance in the first place. It is a smart and fiscally responsible bill.

I grew up on a ranch in the San Luis Valley a few miles north of the Colorado-New Mexico border. My family has farmed and ranched that same land for five generations. For much of my life, I spent long days in the fields with my family tending to the cattle, baling hay, and fixing fences. It was hard work, and my hands are permanently calloused from nearly three decades of work on that ranch. But from that work, we always knew we loved our ranch, our land and water, and our way of life. To be a farmer or a rancher is a hard life, let there be no mistake about that. While the rest of the world might go home at 5 o'clock in the afternoon, for those who are working the farms and the ranches, you don't go home until probably half an hour after the sun sets at 9 o'clock. It is very hard work.

My parents always said that they could not give us—my seven brothers and sisters—material riches, but they could teach us values that come from work, family, and faith. These are the values one finds in rural communities across America. These are the priceless and timeless values that built this country. In 1787, Thomas Jefferson sent a letter to George Washington in which he talked about the role of the farmer in a young democracy. Thomas Jefferson said: "Agriculture . . . is our wisest pursuit because it will in the end contribute most to real wealth, good morals and happiness."

Those of us who have had the privilege of growing up on a farm or a ranch

or of visiting some farms and spending time with America's producers can appreciate how important agriculture and our rural communities are. Unfortunately, in the coming days this bill will be criticized by some in the media, by some Members in this Chamber, and others for being too favorable to farmers, for putting too much money into conservation programs, for supporting rural development initiatives, or for making too many investments in biofuels production. In short, critics will ask why Federal dollars should go into programs that on the surface only appear to benefit rural communities. They are wrong. The answer is very simple: The health of our farms, ranches, and our rural communities is vital to American prosperity. Everyone benefits from a strong and smart farm bill. The farmer in eastern Colorado, the third grader eating fresh fruits and vegetables at lunch, and the mother who wants us to reduce our dependence on foreign oil all gain from a strong and balanced farm bill.

I wish to take a few moments to walk through the bill and explain why it is so important for farmers, for children, and for all Americans that the Senate pass this bill.

Since being elected to the Senate in 2004, I have often spoken about how Washington's policies in recent years have been blind to the needs of rural Americans. More than half of the counties in America are rural. In my State of Colorado, 44 of the 64 counties are rural. In my view, Washington's neglect of rural America has made rural America a forgotten America. Businesses on main streets in many towns and villages across my State have been boarded up. FSA offices have been closed or attempted to be closed, including the very recent actions of the U.S. Department of Agriculture. Family farmers are having to sell their land after years of drought. To see Washington's neglect of our rural communities is disheartening, when we know how much possibility and promise rural America holds. With modest investments, rural America can be the engine of a clean energy economy, fueling an alternative energy revolution that capitalizes on the hard work, productivity, and entrepreneurship of farmers and ranchers.

This is why I am so pleased that the 2007 farm bill makes such wise investments in rural development. The bill provides \$355 million for rural development. These investments will enable entrepreneurs in rural communities to leverage microenterprise loans to build their businesses. They will help health care providers provide access to underserved rural communities. They will help get broadband Internet access into small towns. Broadband access is to rural communities in the 21st century what highways were in the 20th century and railroads were in the 19th century. It is the infrastructure that is essential to economic development. The \$26 million in this bill for broadband

will help close the digital divide that is preventing rural businesses and entrepreneurs from fully participating in the global economy.

Second, this bill includes an energy title that opens up a new chapter of opportunity for rural America. In the 2005 Energy Policy Act and in the Energy bill we passed earlier this year, we planted the seeds for a renewable energy revolution so that we can reduce our very dangerous dependence on foreign oil. The farm bill takes the next step, helping farmers and ranchers take advantage of new energy technologies that have been developed in places such as the National Renewable Energy Laboratory in Golden, CO. With the \$1.3 billion this bill devotes to energy programs, farmers will be able to apply for grants to develop biorefineries and to improve the handling, harvest, transport, and storage of feedstocks for biofuels. The bill includes tax credits for small wind turbines and cellulosic biofuel production. It stimulates research into the methods and technologies that will allow the most productive land in the world to provide more and more of our energy. Our farmers and ranchers want to be a part of the solution to our addiction to foreign oil. They want to help reduce the amount of oil we import while helping stimulate a clean energy economy that is built on innovation, technology, and taking advantage of the production capabilities of rural America.

This energy title is a win-win for our rural communities. It is my hope that with this energy title in the farm bill, together with the other energy legislation we have adopted in the Senate and in committee, the vision Senator GRASSLEY and I had with respect to the 25 by 2025 resolution will help us grow our way to energy independence, because the 25 by 2025 resolution recognizes at its heart that we in America can grow 25 percent of our energy from renewable energy resources by the year 2025. This farm bill takes us a significant way down that road.

The third aspect of the legislation I want to emphasize is the conservation title. Farmers and ranchers are some of the best stewards of our land and water. We need a farm bill that recognizes and encourages the good stewardship practices from which we all benefit.

To understand why the conservation programs in the farm bill are so important—and to understand how we will all benefit from them—just visit one of the ranches along the Yampa River in northwest Colorado. You quickly see the ranchers there do not simply put high-quality, grassfed beef on our dinner table. They guard the open spaces that draw sightseers and recreationists from all around the world. They protect the clean water that comes to our homes. They provide habitat for fish and game, bringing millions of dollars in revenue from fishing and hunting into our State.

Unfortunately, you cannot find a price on the Chicago Mercantile Ex-

change for these values in clean water, clean air, habitat, and open space dividends that ranchland and farmland provide to America. And if a ranch goes under or is developed, we lose the conservation value that farms and ranches provide.

So how do we address this challenge? How do we address this challenge in this bill? We do it through existing, effective programs that reward farmers and ranchers for the conservation practices from which we all benefit.

Thanks to Chairman HARKIN's leadership, the 2007 farm bill is the greenest farm bill in the history of America. It reauthorizes highly successful conservation programs such as the Environmental Quality Incentives Program, EQIP, and the Conservation Reserve Program, CRP.

The bill reauthorizes EQIP, which provides cost-share funding and technical assistance to producers so they can address environmental issues on their lands. In Colorado, we receive around \$30 million to \$40 million a year for projects that, for example, reduce water waste, improve water quality or provide fencing that keeps livestock out of sensitive areas.

The bill also reauthorizes the Conservation Reserve Program, which helps producers retire and restore agricultural land that, if taken out of production, would provide significant environmental benefits. In Colorado alone, we have around 2.3 million acres enrolled in CRP for purposes ranging from erosion control and habitat preservation to improving water use. The reauthorization in this bill will allow us to continue to make these wise investments in stewardship.

Mr. President, a parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. SALAZAR. Mr. President, if my colleague from Tennessee will allow me, I ask unanimous consent for an additional 5 minutes to get through the conclusion of my speech.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. No objection.

The PRESIDING OFFICER. Without objection, the Senator is recognized for an additional 5 minutes.

Mr. SALAZAR. Mr. President, I thank my colleague and friend and comrade from Tennessee.

Beyond the conservation programs which are so much at the heart of this legislation, we also know that at the heart of this legislation is the food security of our country and the nutrition title.

In addition to the rural development, energy production, and conservation practices in this bill, the 2007 farm bill helps ensure the continued production of safe, healthy food right here at home.

Since our founding, agriculture has been indispensable to our economy and our prosperity. Corn, tobacco, and cotton helped fund the Revolution and the

organization of our young States. The promise of free land brought millions of new settlers to the West where they planted wheat, raised cattle, and cultivated the earth. The productivity of our farms sustained the war effort as we defeated the Fascists and Nazis, helped rebuild Europe and Japan, and liberated the world. Now, as we search for new ways to power our economy, our farms and ranches offer new promise for a new, clean energy economy.

Growing up on a ranch in the San Luis Valley taught me how tough it is to make a living off the land. You work sunup to sundown all year, 7 days a week, to raise a good crop or a healthy herd, and then, without anything you can do to prevent it, a hailstorm, disease, drought, or flooding can wipe it all away in a moment's notice. When you do have a bumper crop, you sometimes find everyone else has had a bumper crop that year too. As a result, prices fall and you actually sometimes do worse.

The bill that is before us helps producers and, therefore, helps all of us by bringing some level of certainty and structure to agricultural markets. We cannot and should not take the risk out of our farming and ranching—it is a tough business however you cut it—but we can help make the very bad years a little less painful in rural America. The little bit of uncertainty that favorable loan rates or a countercyclical program can provide is often the difference between whether a family loses the farm or keeps the farm.

Why, some may ask, should we care about whether a family is able to stay on their farm? Why should we care? For many years—from my days as attorney general to my days in the Senate—I have always had a sign on my desk that says: "No Farms, No Food." To me, that statement tells the story about the importance of food security for our country.

The fresh fruits, grain, meats, and vegetables that come from our farms and ranches are essential to public health, reducing hunger, and ensuring that Americans can always find affordable, safe food at their grocery store.

A great example of how the bill benefits both producers and consumers is the Fresh Fruit and Vegetable Program, championed by Chairman HARKIN, which provides fruits and vegetables to schoolchildren across all of America. We are expanding this program now so it covers all 50 States, up from the 14 States that have been covered by this program in the past. For me and my constituents in Colorado, it means that 80,000 children are going to get fresh fruits and vegetables in their school lunches. This will reduce childhood obesity, increase productivity in school, and teach habits for a healthy lifestyle.

I want to speak briefly about some farm bill reform measures that are included in the bill.

Although we all benefit from smart investments in programs that help provide stability and certainty for producers, we also must be wary of waste and abuse. The 2002 farm bill was not perfect, and I am pleased the Agriculture Committee took this year's reauthorization as an opportunity to address its shortcomings.

Our bill, for example, includes significant reforms on how we deal with payment limits. USDA payments must now be attributed to an actual person—a real live person, one who breathes and walks and works the soil—as opposed to some amorphous entity. Previously, individuals were finding ways to collect payments from up to three different operations under the so-called three-entity rule. We have abolished that in this farm bill.

The 2002 farm bill also left open several loopholes that have allowed farm bill dollars to go to nonfarmers for land that is no longer in agriculture. I am proud to have worked with my colleague from Nebraska, Senator BEN NELSON, on language incorporated into the legislation that stops this waste. Our language prohibits the distribution of commodity support payments for land that has been subdivided for houses or transferred to other non-agricultural uses. This is an important fix.

So is our reform to how Washington deals with agricultural disasters equally important. From time to time, farmers and ranchers get hit by droughts, floods, or tornadoes that wipe away their crop. It happened to us in Colorado last winter in the southeastern part of our State, where a blizzard buried whole herds of livestock. Our producers lost thousands of head of cattle out in southeastern Colorado.

How did Washington respond to that agricultural disaster? Washington responded in its own typical fashion: USDA declares it a disaster. Congress scrambles to find emergency funding. The bill gets stalled, and then farmers and ranchers have to wait 2, 3, 4 years before they get any kind of relief.

What is wrong with this picture? First, we are not delivering disaster assistance efficiently. Second, we should not be relying on emergency spending to provide disaster assistance. We need to put these expenditures back on the books.

Mr. President, I ask unanimous consent to have 3 more minutes to finish my statement.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered. The Senator is recognized for 3 additional minutes.

Mr. SALAZAR. On disaster assistance and the importance of us creating a permanent disaster assistance fund, first, we are not delivering disaster assistance efficiently to date. Secondly, we should not be relying on emergency spending to provide disaster assistance. We need to put these expenditures back on the books. Congress has passed 23—

23—ad hoc disaster assistance bills since 1988. That is 23 since 1988. Although I am supportive of this emergency assistance and have helped push this emergency disaster assistance forward in the last 2½ years, I believe we need to create a system for disaster aid that will respond more efficiently and promptly to the needs of our ranchers and farmers.

What we have done on this bill—thanks to the leadership of Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee—is to create a permanent trust fund for disaster assistance. This will allow us to maintain discipline and high standards for determining when to pay out disaster funds, and it will allow producers to get help more quickly. It is a sensible and fiscally responsible solution.

The American farmer has always been an engine for prosperity and opportunity in America. Through revolution, western settlement, depression, and world wars, the men and women who work our lands have always been there to lead us through the next great challenge that faces our country. Today, we are faced with a new challenge—that of building a clean energy economy for the 21st century—and we need the help of our farmers and ranchers to get us there.

Our national security, our economic security, and our environmental security all demand that we grow our way toward energy independence. It is an imperative, but it is also a great opportunity for our Nation.

The country that successfully replaces its imports of foreign oil with clean, homegrown energy will reap competitive and technological advantages that will keep it out in front of the rest of the world for decades to come. We can play a part in this new economy, but the productivity and ingenuity of rural America is our greatest untapped resource in our quest to reduce our dependence on foreign oil.

I am excited about this bill, with its investments in rural development, energy technology, and wise stewardship. It taps the great resource of rural America while strengthening our ability to produce clean, safe, and affordable food.

This bill represents the best type of work we can do in the Senate—cooperative, bipartisan work that is focused on creating new opportunities for our country.

I thank again the leadership of both the Agriculture and Finance Committees for allowing us to move forward with this legislation and to bring the legislation to the floor today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, Senator DORGAN, by unanimous consent, is to follow me. I ask unanimous consent that Senator DOMENICI be recognized for up to 15 minutes, and then Senator CASEY for up to 15 minutes, following the remarks of Senator DORGAN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I further ask unanimous consent that the next Democratic speaker in order be Senator STABENOW.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I further ask unanimous consent that, although I may not need it, I be granted an additional 5 minutes for my remarks to complete my speech, and that I be able to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, would you please let me know when I have 2 minutes remaining.

Mr. President, I first congratulate Senator HARKIN and Senator CHAMBLISS for their work on the farm bill. I know we want to move toward that as quickly as possible, and I look forward to a successful conclusion of that legislation. But for the next few minutes, I wish to speak on a different subject.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 2312 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 20 minutes.

Mr. DORGAN. Mr. President, we are now debating the farm bill, and a number of my colleagues have talked about the particular provisions of the farm bill that is brought to us by the committee. I think the farm bill is a pretty good bill and I certainly intend to support it and I am pleased to be here to speak on it. I spoke last evening briefly. But I wish to make a couple of comments about family farmers, generally, before I talk about the bill and then also talk about the amendment that I, along with Senator GRASSLEY from Iowa, will be offering.

First, the issue of family farming is one that is not often discussed because when people here talk about the farm bill, the agriculture bill; they talk about the agricultural industry. Let me explain that my interest in this is largely to try to keep a network of families living out in the country under the yard lights, trying to raise food for a hungry world.

These are family farms that exist because they are out there trying to make a living, grow a crop, raise a family. They face all kinds of challenges—challenges that most of us don't face. They plant a seed in the ground, and they live on hope. They plant a seed and hope it grows. They hope it rains.

They hope it doesn't rain too much to wash the seed out. Then they hope they get a growing season that gives them a chance to raise a crop. They hope it doesn't develop crop disease. They hope it doesn't hail and destroy the crop. They hope they get to harvest with something standing in the fields that they can, at that point, get off the field and take to a grain elevator, and at that point they hope the price will be decent. They don't know. If they survive all of those hopes and get to the grain elevator with the grain and perhaps get a decent price, maybe they make a decent living, but it is just as likely that they don't. Those families live out there alone, taking all the risks.

I recall about a year and a half ago driving into a town called Zeeland, ND, and meeting with a group of ranchers and farmers. They had been through a devastating drought where everything was destroyed. It looked like moon-scape in the pastures driving into town. These ranchers and farmers had owned livestock they already had to sell, because if you don't have feed, you cannot keep them; they have to go to the livestock market. So they talked about what they were trying to get through, with no crops, no pasture, no capability to keep their cattle and conditions that forced them to market. That is just one issue, the drought. In that case, it was everything to them.

So what most farmers face in times where they don't have a devastating drought or some other natural weather disaster, they face economic circumstances that don't give them much of an opportunity either. That is why we have a farm bill, a safety net, to try to help farmers through tough times.

If you think about a farmer out there living under a yard light, trying to plow the land, plant a seed, harvest a crop, and make a living, here is what they face. When they order a load of gas to come out to gas up their tractor and their combine and till their fields, they discover the diesel fuel or gas is costing a fortune. They could not help that, they had nothing to do with that, but they are paying a fortune, as is the rest of the country, for this fuel they need.

The fertilizer prices are skyrocketing. If they are fortunate enough, for example, to get a crop and get the crop to market someplace, they have to find a foreign home for a fair amount of the crop, and they have to pay the railroads. The railroads, as you know, overcharge, and in my State the Public Service Commission estimates they are paying \$100 million a year more than they should. Farmers are bearing a substantial portion of that.

So if they get their crops to the marketplace and to the county elevator and ship it somewhere, if some of it goes into a grocery manufacturing facility and comes out the other side, the farmer who started up the tractor, plowed the field, planted a seed of corn, and then hoped and was successful, got

a stand of corn, cultivated the corn, and then harvested the corn, and that seed of corn then went to a grocery manufacturer—guess what. They then flake the corn and put it in a box and call it cornflakes. It has a fancy logo on the front, and they send it to the grocery store. They get more for flaking the corn than the farmer does for driving the tractor, planting the seed, and harvesting the corn. The fact is, they get more than the farmer does for growing it. The same is true for puffed rice and wheat chex. You rice it, puff it, flake it, you check it, and they get more than the family farmer who had to grease the combine and the tractor, plow the furrow, and plant the seed.

The farmer faces near monopolies in every single direction. If they want to sell a cow, steer, or bull, guess what. They face a packers' industry that is highly concentrated in every direction, the oil industry, the rail industry, the big packers, and the grain industry. In every direction, the family farmers living out there are struggling and trying to make a living, trying to get along, when they are surrounded by monopolies or near monopolies in economic circumstances where it is pretty tough for them.

Yesterday, I talked a bit about value. Why do we care? I suppose you could have corporations farming America from California to Maine, and then we would not sing "this land is your land, this land is my land." I suppose we can produce America's foods that way. I think family farmers—at least in my part of the country—produce more than just food, they produce communities. They are the blood vessels that flow into rural areas and communities. I mentioned yesterday that an author named Critchfield once wrote a book about what this contributes, and that is that family farmers are the seedbed of family values, and that seedbed nurtures family values from family farms to small towns to big cities.

Family farms are important to this country. We put together a farm bill to try to provide a safety net because during the tough times, when they reach a really tough patch—international price depressions for commodities, disasters, natural disasters, all kinds of things that confront family farmers in a disastrous way—we want to have a safety net for them to get through tough times instead of getting washed out every time there is a problem. The big corporations and agrifactories have the financial strength to make it through tough times. We have put together a farm program, called a safety net, to try to help family farmers through difficult times.

I know some view this notion of family farming as some sentimental journey back to yesteryear. A friend of mine named Chuck Suchy is a singer and songwriter. He has a song, "Saturday Night at the Bohemian Hall," describing what it was like growing up on the farm and gathering at the Bohemian Hall to swap stories and talk about the weather and the crops.

The description I gave yesterday of what one of the writers in North Dakota—a farmer and a rancher—who used to ask the question that needs to be asked of this country, I think, is important. Rodney Nelson asked the question, "What is it worth?" It is worth noting Rodney's question. What is it worth for the country to have a kid who knows how to pour cement? What is it worth for a kid to know how to drive a tractor? What is it worth to know how to teach a newborn calf to suck milk from a pail? What is it worth for a kid to know how to grease a combine, drive a tractor, plant a field, work in the cold winter, and work in the hot sunshine outdoors? What is all of that worth? Well, the fact is that it is important, and it contributes to this country in significant ways. In World War II, we sent millions of young people from America's farms over to go fight. They could do anything, fix anything, drive anything. They were unbelievably important to this country. The only place you learn all those skills is on the family farm in this country. That is why family farming is not just some sentimental journey; it is a value system for the country.

Does this country care about families who live on farms? Do they care about putting together a safety net for them? The answer should be yes. This farm bill says yes, and I support it. I want to make it better.

Senator GRASSLEY and I are going to offer an amendment that says if we are going to do this—and we should—then let's provide reform with respect to payment limits and really make the payment limits effective so we are providing a safety net for family farmers, not a set of golden arches for the largest corporate agrifactories in the country.

Let me read some of the records of farm payment recipients and explain why it is necessary for us to have a payment limit. Senator GRASSLEY and I say, No. 1, there should be a payment limit of \$250,000 per farm. No. 2, we say you ought to have to be involved in farming to get a farm program benefit. That is not very radical.

I will read some of the payments. This comes from USDA information, and this is for 3 crop years, 2003 through 2005. The Balmoral Farming Partnership got \$7.9 million. Phillips Farm in Mississippi got \$5.9 million. Kelley Enterprises got \$4.9 million. Walker Place got \$4.6 million. Dublin Farms got \$4.2 million. I could keep reading, but I don't think I need to read a lot more. But take a look at what happened with the farm program. Here is an example. In many ways, I am reluctantly reading the names, but they are public, and if someone is going to receive this funding and it is public information, it is reasonable to use it as an example. Benton Farms, Tyler, AL, got \$2.5 million. Haney Farms of Athens, AL, Horace Haney got \$607,000, and Shirley, Keith, and Matthew Haney each got \$607,000. Combined, the

Haney family got \$2.3 million. Pickens and Son Company got \$4.3 million. The Storey family got \$2.7 million. Ronald Storey got \$956,000, Hazel Storey got \$932,000, Ben Storney got \$478,000, Rebecca Storey got \$430,000—I could do this for a while as well. I have pages of this. This is not a safety net for family farmers to get through tough times. It has become much more than that. It has become lucrative for big enterprises to farm the farm program and get paid millions of dollars, and it is wrong.

Our amendment is reasonably simple. It says we should have a payment limitation of \$250,000, and you should have to be required to be involved in farming in order to collect farm program benefits.

It is important to note that the Agriculture Committee made some strides in this area as they brought the bill to the floor. They eliminated the three-entity rule, which itself was a loophole that needed to be closed. They provide for attribution, direct attribution, so the payments are attributed to an individual. It is not as if the Agriculture Committee didn't do anything. They did.

My colleague, Senator SALAZAR, talked about section 1105, and that section is also something that can be helpful. My own view of section 1105 is that it doesn't solve the problem entirely. So the proposal Senator GRASSLEY and I offer will address this in a significant way.

I mentioned yesterday that, to give you an example of how far this has gone—having nothing to do with farming—if you had base acres for rice or other crops—for program crops—and have base acres on land that hasn't been farmed for 20 years, has not produced a crop for 20 years, people who own that land but have never farmed in their life are getting farm program payments on land that hasn't produced a crop in 20 years because it had a base acre in the mid to early 1980s. That makes no sense to me. That is not about providing a safety net.

There is no stronger supporter of family farming in this Chamber than myself, and I am sure others would say the same about their support for family farming. But it seems to me we need to close these loopholes. Why on earth would we have a production base, base acres, on land that has, in many cases, nothing to do with farming?

I mentioned yesterday that down north of Houston, TX, they were selling what are referred to as “cowboy starter kits.” You buy 10 acres, put a house on 1 acre, run a horse or cut hay on the other 9 acres, and you can get a farm program payment. The reason it is more prevalent in rice is that the payment per acre is over a hundred dollars an acre, as opposed to the other crops that are much less. Does it pass the test of reasonableness anywhere for someone who has never farmed to buy 10 acres someplace and get a farm program payment when they are not farm-

ing the 10 acres and it hasn't grown anything for 20 years? That does not meet any test of anything.

We can close that loophole, but the more effective way to close this is to say you can't get farm program payments unless you are actively involved in farming. Should an arts patron in San Francisco get \$2-plus million? She is not a farmer. She just comes from a family who used to have a farm, and she gets just over \$2 million. We have, I think it is 300 or 400 people living in New York City, in that mountain of concrete, who get farm program payments. We have people in Los Angeles, CA, who don't set foot on a farm who get farm program payments. Does that meet any test, or does somebody just not care about that and say: We just want to give payments to make us all feel good.

I feel good when we give a payment to a family farmer as a safety net payment to help them through troubled times. When prices are high and the crops are bountiful, if you have a bumper crop and good prices, in my judgment, you don't need the Government's help. With respect to the large enterprises, if you want to farm three or four counties, God bless you. I don't think the Federal Government has to be your banker. You have every right to farm as much as you want.

Some people would say to me, and they have said: That discriminates against the big operators, doesn't it? But I say: The purpose of the farm program is to be a safety net to help the family farm get through difficult times. They said: What is a family farm? Describe to me a family because you can't describe it. I remind them of Michelangelo, who said when asked how did he sculpt David, he said: I took a piece of marble, and then I chipped away everything that wasn't David. We could easily describe what most of us believe to be a family farm just by chipping away what isn't.

Is it a family farm when you have huge corporate enterprises with multiple family members getting \$600,000, \$700,000? Is that a family operation? I don't think so. Huge corporations sucking millions of dollars out of the farm program by farming the farm program? I don't think that is what was intended.

If you are a reformer, if you believe in reform—and we talk a lot about change and reform around here—in my judgment, one has to decide to do the right thing on this issue, and the right thing is to limit farm program payments to \$250,000. That is a great deal of money. And at the same time, we have provided the disaster title in this bill, which I think is a significant improvement. Then decide, if you are going to get farm program payments, you have to be actively involved in farming.

We provide opportunities for people to get, for example, loans to go to college, but we don't say to them: You can come and get your loan; we don't care

what you do with it. We will only give college loans to those going to college. The same is true with a whole series of items. We actually have a circumstance that we give farm program payments to people who have never been on a farm and don't intend to be on a farm. They just want to collect the farm program payments.

Even those who collect it think it is absurd. You can read the papers and gauge the reaction of people who say: I don't understand this at all. I bought 15 acres to build a house on, and I am getting farm program payments. What on Earth is the Government doing? Even the recipients scratch their heads and wonder what on Earth this is all about.

I only ask that we, in a bipartisan way—and this amendment is bipartisan—decide to join together to do real reform. I want to be proud of this farm bill. I think Senator HARKIN, my colleague, Senator CONRAD, Senator CHAMBLISS, and others have done some good work, but it can be improved upon by the passage of this amendment. It has a payment limit, and that also provides that those who receive farm program payments should be actively engaged in farming.

Some will think that is unbelievably radical. It is, of course, not radical at all. It is just a significant investment in common sense. My hope is that my colleagues will believe that is the right thing to do.

It is sad but true, this is a hungry world in which we live. Passengers on this planet circle the Sun. There are about 6.4 billion neighbors. We, through Divine Providence, ended up in this little space called the United States of America. We are blessed. We have the opportunity to have a wonderful lifestyle, standard, and scale of living. We have the ability to produce a prodigious amount of food. But even as I speak, a significant number of children have died in the last 10 minutes because they did not have enough to eat; 600 million to 700 million people go to bed in this world with an ache in their belly because they didn't have enough to eat. Think of that: They didn't have enough to eat. And we have economic all-stars called family farmers in this country who produce substantial amounts of food, and some people want them to believe somehow that is a liability. It is not. It is an unbelievable asset that in many ways can contribute to stability and world peace.

Even as we think through all of these issues about our contribution to the world and about what we can do, it is important to think about our contribution at home in terms of building the kind of country we want. I want to see a country in the future that continues to have people living on family farms, producing food for a hungry world, and doing so in a way with, in effect, a partnership with the policymakers who have decided to create a safety net to say: We think you are important to this country's economy and this country's culture. For that reason, we have

a farm safety net. And when you run into tough times, you are not going to be alone. This country is going to have a safety net, and it is going to help you through.

I conclude by saying we should not ever believe that family farming is a liability. It is an enormous asset that contributes substantially to the character and value system of this country. I hope this Chamber will stand up for that value system. When we do, family farmers around this country will begin to be able to think about spring planting once again and begin next year with renewed hope.

I said yesterday, and I will say it again: You cannot be a family farmer, you cannot live out alone under the yard lights unless you live on a reservoir of hope. Everything is about hope for a better future, and I think the farm bill, amended by our amendment, could give farmers a substantial amount of renewed hope.

Madam President, I ask unanimous consent that the next two Democratic speakers, after the previously ordered lineup, be Senator BAUCUS and Senator WYDEN, up to 15 minutes each; further, that in the previous order, Senator STABENOW be recognized for up to 30 minutes and Senator CRAIG for 30 minutes—sorry, Senator ISAKSON be recognized for up to 30 minutes and Senator CRAIG—let me try to get through this. I could say it is the penmanship, but it is not. It is my interpretation—that Senator STABENOW be recognized for up to 30 minutes, Senator CRAIG for up to 30 minutes prior to Senator ISAKSON—STABENOW, I am sorry.

Madam President, if you have that straight, you are an unbelievable presider. I will send it to you in written form.

The PRESIDING OFFICER (Mrs. McCASKILL). Thank goodness. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 15 minutes.

Mr. CASEY. Madam President, I rise today, once again, to talk about a threatened veto by the President of the United States. We spent many weeks debating the Children's Health Insurance Program, months, really, when you consider all the time. People worked very hard on both sides of the aisle on children's health insurance. Yet despite all that work, despite all that bipartisanship, despite all of the hours and the energy that went into getting a bipartisan bill on children's health insurance, we have the President of the United States vetoing that legislation and threatening to veto it yet again.

Unfortunately, I stand today to talk about another threatened veto. President Bush is threatening to veto the farm bill, which makes no sense at all not only because of the work that went into this bill by Republicans and Democrats in the Senate, that is reason enough for him not to veto important legislation such as this, but I think it is even graver than that. It is

an even graver threat than talking about vetoing legislation because when the President of the United States, if he were to carry through on his threat to veto the farm bill, he is vetoing a lot of provisions that he should not be coming out against and fighting against. The President is vetoing a farm bill which does so much for nutrition, just taking one example. We know the committee this bill came out of is not just the Agriculture Committee, it is the Agriculture, Nutrition, and Forestry Committee, and that word "nutrition" is critically important.

To give some examples of what this means for families across America, here is what we are talking about when we talk about nutrition programs. Of course, food stamps being a big part of that, I will go through some of the elements of that program in a moment, the Fruit and Vegetable Snack Program, No. 2; No. 3, the Emergency Food Assistance Program, known in Washington by the acronym TEFAP—all of these programs provide children and families who would otherwise go hungry with food.

The farm bill reauthorizes those programs, a Washington word "reauthorize" for telling us we are going to fund them again. Finally, the overall title, the section of the bill that is entitled "Nutrition," that title provides over \$4 billion over 5 years to help on these important priorities.

So what are we talking about with food stamps? A couple of points. While the rest of the world received an increase in wages or an increase in purchasing power in parts of our Government and economy, a lot of people on food stamps were left behind the last couple of years.

What are we talking about? We are talking about a couple of changes that make a lot of sense. No. 1, ending benefit erosion, and the increases we provide in this farm bill will increase the purchasing power for families who benefit from food stamps.

No. 2, deducting the cost of childcare from program eligibility. That shouldn't be part of eligibility, a necessity such as childcare for working families and poor families across America. They shouldn't have to factor in childcare costs. That is a mistake, and we have changed that. Thank goodness.

No. 3, protecting family investments in prepaid college funds and retirement savings. Again, when a family's income is being evaluated for eligibility, we should not include prepaid college funds.

No. 4, increasing purchasing power for fruits and vegetables with a new pilot program. At long last—and I say this not just because Pennsylvania will do well, and I am happy to say we have a part of the farm bill that speaks directly to so-called specialty crops, of which fruit and vegetables are a big part of the economy of Pennsylvania and America, but this is particularly important for poor families and for

children. They should have every opportunity we can provide to have the benefit of getting fresh fruits and vegetables. It is a great idea.

Along those lines is an actual program, the Fruit and Vegetable Program. We are committing over \$1 billion over 5 years to this important program. It expands the already-existing program so schools in every single State can participate. Does it cover every school in every school district? No; there is not enough money to do that. But it does expand that program so at least some schools in every State can participate.

Finally, the Fruit and Vegetable Program targets the program to focus on hungry children to give them the healthy foods they need the most.

After food stamps and the Fruit and Vegetable Program is the Emergency Food Assistance Program, known as TEFAP. This bill provides \$100 million each year to purchase food that is then distributed by local food banks. Again, in addition to that, there is \$50 million for the Hunger-Free Communities Program. That particular program under TEFAP is for grants to local communities to combat hunger.

What does this all mean? It means feeding children in America who would otherwise go hungry and providing basic health care for children is another element I talked about earlier when I spoke of the State Children's Health Insurance Program. Both of these, whether it is the farm bill investments in nutrition or whether it is children's health insurance, are about investing in our children in the dawn of their lives, but also it is about building an economy many years from now.

I hope the President, when he is making a final decision about the farm bill, will take a close look at what this bill does for children, what it does for families, and what it does for our farm families all across America. We don't have time today to go through all of it, but suffice it to say this is the first time in many years we have addressed these things, and I would ask the President to look at what this farm bill does for dairy farmers.

I spent time back in the cold of the winter, in Wayne County, PA, and met a young man by the name of Joe Davitt, who has a dairy farm. His father had it before him and now it is his responsibility to take on that incredibly difficult job of long hours, year after year, trying to make ends meet. Our Government, frankly, hasn't done enough to help them make ends meet in this very difficult job, and they are not asking for anything a lot of us don't get help with.

This farm bill allows us to give some measure of relief; not nearly enough, but some measure of relief for dairy farmers, who are salt-of-the-earth people, who helped build this country and build our farm economy. Finally, at long last, we have a piece of legislation which takes into consideration the struggles and the challenges of dairy



farms across Pennsylvania but, indeed, across the country, from one shore to the other.

There is a lot to recommend in this farm bill, whether it is helping dairy farmers, whether it is an investment—long overdue—in specialty crops, and what it does for nutrition for all of America, but especially those who are vulnerable, those who happen to be poor and need help with the basic necessities of life. I hope the President, when he looks at this legislation—after he has done so much over many years now for people who make \$1 million a year, or maybe they make \$10 million a year, or maybe they even make \$100 million or more; those Americans have gotten an awful lot of help—he will see this farm bill focuses on families in America having trouble making ends meet, whether they are farm families or whether they happen to be poor Americans who can benefit from our nutrition programs. I hope the President will consider that in the interest of fairness, but also in the interest of investing in a stronger farm economy, investing in making sure our children have the nutrition they need, and also making investments in conservation, environmental protection, and a whole series of very important elements to the farm bill.

Unfortunately, I think the President, in his veto threat, is overlooking all that. I hope he changes his mind. There are some Americans who have done fine, thank you, under this President. And so for him to veto the farm bill would be contrary not just to all those interests, important interests in America—children, families, farmers, and farm families—but also it would be contrary to a lot of the work that was done by Chairman TOM HARKIN, the chairman of our committee, and Ranking Member CHAMBLISS from the State of Georgia; and not only the work they put in, but the work their staffs put in, month after month after month, working in a bipartisan way, to get this bill on the right track.

It is not perfect. There will be lots of criticism of this bill, but not nearly enough criticisms are warranted to justify the veto of this legislation. We have to get this done. It is the only time we will work on this in 5 years. We need to get it done. And the President, if he is thinking of the best interests of the country, will sign the legislation.

I urge the President, as respectfully as I can, not to veto the farm bill. It has broad bipartisan support. We have to get this legislation done.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized for 10 minutes.

Ms. KLOBUCHAR. Madam President, the Senate is now considering the farm bill, and with the leadership of Chairman HARKIN, Ranking Member

CHAMBLISS, Senator CONRAD, and a Minnesota Congressman, COLIN PETERSON, in the House, the bipartisan farm bill will invest in our farms and rural communities so they will be a strong, growing, and innovative part of 21st century America.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farmers from the financial shocks of volatile weather and equally volatile commodity prices. Almost 75 years later, the reasons for maintaining that strong safety net still exist.

The 2002 farm bill actually spurred rural development by allowing farmers in Minnesota and across the country to take risks to expand production. Because of productivity gains and innovation, including advances in renewable energy, the farm support programs in the 2002 farm bill actually came in \$17 billion under budget.

As the Senate debates a final 2007 farm bill this week, it is important not to underestimate the value of a strong bill for States such as my State of Minnesota, where agriculture is so vital to our economy and our way of life. That is why, as a member of the Senate Agriculture Committee, I support the new farm bill. This includes an increased focus on cellulosic-based ethanol, continued support for a strong commodity safety net, and additional funds for conservation, nutrition, and disaster relief.

Of particular importance is the fact that we have balanced the budget with every dollar of new spending fully offset.

Traveling around my State during the last 2 years, I have had the opportunity to visit all 87 counties of my State twice, last year and this, and I had the opportunity to talk to many farmers about the good and the bad in the last farm bill. I can tell you this: The farm bill has worked to revitalize many of our rural communities across America. It has spurred rural development by allowing farmers in Minnesota and across the country to take risks and expand their agricultural production. Because of strong commodity prices and advances in renewable energy, the farm support programs in the 2002 farm bill are projected to come in \$17 billion under budget.

I am pleased this bill continues this safety net, and I appreciate the effort that has also been made to rebalance the commodity programs to be more equitable to northern crops such as wheat, oats, barley, soybeans, and canola.

Another top priority for Minnesota farmers was creating a permanent program of disaster assistance. I thank Senator BAUCUS for the work the Finance Committee has put into this provision. Farmers have to come back to Congress each year with a tin cup in their hands when in fact we can do it differently. Our State has been hit by drought, flooding, and everything in

between, and they had to wait 3 years for Congress to pass another ad hoc disaster relief bill. A permanent program of disaster relief will give farmers security moving forward.

One of my major goals for this farm bill was to include a strong cellulosic ethanol program. Our corn-based ethanol and soybean-based biodiesel have taken off in Minnesota, and we are ready to expand to the next generation of biofuels—cellulosic ethanol, prairie grasses, biomass that yields more energy and, if done the right way, is better for our environment and conservation.

I was proud to draft legislation to provide farmers with an incentive to grow cellulosic energy crops, and I thank Chairman HARKIN and Senator CONRAD for working with me to include this in the farm bill. The fact these crops put carbon back in the soil and take less fossil fuel to produce offers us the promise of producing a carbon-neutral motor fuel for this country. In short, the Biomass Crop Transition Program, which is what the cellulosic ethanol provision of this farm bill is, will allow us to expand on corn ethanol and soy diesel to a new generation of farm-based energy and greater freedom from imported oil.

I am also pleased this farm bill includes legislation I introduced, along with Senator BOND, to provide funding for E-85 pumps. It is a chicken-and-egg problem with E-85. Less than 1 percent of our gas stations have the E-85 pumps. In the Energy bill, we have more requirements for flex-fuel vehicles, and this bill will help to get the pumps out there so we can be investing in the farmers and the workers of the Midwest instead of the oil cartels of the Mideast.

I am also pleased the committee has accepted my amendment to double the authorized funding levels for two programs that serve beginning farmers and ranchers. There are real opportunities today to start out in farming, especially in growing areas such as organic farming and energy production. But beginning farmers also face big obstacles, including limited access to credit and technical assistance, and the high price of land. The Beginning Farmer and Rancher Programs in this farm bill provide mentoring and outreach for new farmers, and training in business planning and credit building—the skills they need to succeed and stay on the land.

There are a lot of good things for rural America in this farm bill. There is, however, one critical area where I believe more reform is needed. We need to stop urban millionaires from pocketing farm subsidies intended for hard-working farmers. This reform is in the best interest of Minnesota farmers. Here are the facts: Nationally, 60 farms have collected more than \$1 million each under the 2002 farm bill, but none of them were in our State. The average income of Minnesota farms, after expenses, is \$54,000. But under the current

system, a part-time farmer can have an income as high as \$2.5 million from outside sources and still qualify for Federal benefits.

It makes no sense to hand out payments to multimillionaires when this money should be targeted to family farmers. Big payments to big-city investors threaten to undermine the public support for every farm program, even though the commodity payments are projected to be only 15 percent of the total farm bill budget over the next 5 years.

A poster boy for what needs to be changed is Maurice Wilder, a Florida-based real estate developer. From 2003 to 2005, he has collected more than \$3.2 million in farm payments for properties in five States, even though his net worth is estimated at \$500 million. Nearly 600 residents of New York City, 559 residents of Washington, DC, and even 21 residents of Beverly Hills 90210 received Federal farm checks in the past 3 years. Some collected hundreds of thousands of dollars. Last time I checked, there wasn't a lot of farmland in those neighborhoods.

We can fix this and do better for our farmers by using the new farm bill to close loopholes, tighten payment limits, and enforce tougher income eligibility standards. First, the current Senate and House farm bill proposals eliminate the three-entity rule. This will cut down on abuse by applying payment limits strictly to individuals and married couples and ending the practice of dividing farms into multiple corporations to multiply payments.

Second, a longstanding bill, which is an amendment that will be considered this week, proposed by Senators DORGAN and GRASSLEY would limit annual payments to \$250,000. I will vote in favor of this provision on the Senate floor, and the Senate should adopt it.

I also believe a third kind of reform is needed. Congress should act to prevent payments that are intended for hard-working farmers from going to urban millionaires and giant agribusiness.

We will be talking about these amendments in the week to come, but I wish to say as we move ahead to develop homegrown renewable sources of energy, rural America promises to be central to our Nation's future energy independence as well as the fight against global warming. This bill prepares us. This bill heads us in the right direction.

Inertia may be the most powerful force in the political universe, but after 75 years, the best interests of America's rural economy demand that we correct the abuses of the past so we can move forward with this bill, with some modifications of reform, to ensure a strong safety net for our hard-working farmers.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, may I inquire what the order of business is at this time?

The PRESIDING OFFICER. The Senator is to be recognized for up to 30 minutes under the unanimous consent agreement.

Mr. CRAIG. Madam President, many of us are coming to the floor today to speak to the new farm bill that the Senate Ag Committee has proposed and brought to us over the last several months.

Over the years I have had the privilege to participate in a variety of farm bill developments and structures as we ultimately came to a new 5-year farm policy in our country.

First of all, let me say for the first time in a good number of years we have actually had the Secretary of Agriculture go out amongst American agriculture, ask questions and listen, and send us proposals of change in farm policy.

We have also had both the House and the Senate committees operating extensively in bipartisan ways to hold hearings, looking at the existing farm policy and what may need to be changed to justify a new farm bill.

While many are caught up in the bits and pieces of a farm bill structure, what is important to remember is a nation that feeds itself is a nation that is, by its own definition, strong and independent. And that has been throughout our history one of our great legacies: that we could produce our own food and fiber to feed our own populations, and then step beyond that to help feed the world.

In fact, in the 1950s, 1960s, and 1970s, as we saw a burgeoning export market in agricultural growth, we were expanding our own growth capabilities not only to feed ourselves but to feed the world.

That, in part, has been the product of a consistent farm policy over the years that stabilized agriculture, agricultural producers who looked at the primary commodity crops and said: This is the base of American agriculture, and this is what we ought to support to assure there is adequate food and fiber for the American consumer.

We now take for granted every day of the week that as we walk into the supermarkets of America the shelves will be full and overflowing with an abundance of food. We just take it for granted—unless you are amongst the very poor, and then you might stand in a soup line. But there are few of those in our country today. And, certainly, for those less fortunate there are a variety of food and nutritional programs embodied within farm policy that assure there will be minimal nutrition values offered and provided to America. That is truly one of our great legacies and something I think all Americans can be proud of.

Over the years, American agriculture has changed. We think traditionally of corn and wheat and soybeans and cotton and, of course, we used to have a

tobacco program in the South that was supported, that no longer exists for obvious and important reasons.

But little did we recognize something that we now value greatly as a part of our nutritional base today: our vegetables, our fruits, and that huge variety that you see on the fresh produce shelves as you walk into any of our great supermarkets across the Nation.

And to those of us who have been associated with agriculture all of our lives, it is not the meat shelf, it is not the bread shelf, it is the fruits and the vegetables, the specialty crops, the kinds of things that never have been in a farm bill, that we have never spoken clearly to, that embodied a very large part of American agriculture.

In fact, today, at farmgate, meaning the value of products leaving the farm itself, we view specialty crops as somewhere in the area of 50 percent. Not a program crop, not a loan program, not a base support price, but American farmers out there working to diversify and to ensure the variety that all of our consumers enjoy today.

So it is, in my opinion, a very big victory that today I come to the floor, along with a group of my colleagues, to talk about a new provision within farm policy to deal with the specialty crops. And for the next few moments, let me talk about it and its importance as we recognize what it means not only today but what it could mean in the future.

This sector includes vegetables, fruits, nursery crops, herbal crops, floriculture, horticulture, dried fruit, tree nuts, and turf grass. We know about all of those things. Turf grass you do not buy at the fresh produce stand, but if you are building a new home and all of a sudden you have instant yard because the landscaper has laid turf, then you know a lot about turf.

In my State of Idaho, that is a rapidly growing and, in some areas, urbanizing area; turf farms are a very important part of Idaho agriculture today. It may surprise some, when they think of specialty crops, they think of the great agricultural belt known as the San Joaquin Valley of California, where you see one different crop after another for hundreds and hundreds of miles across that phenomenally fertile stretch of American agricultural soil.

But in my State of Idaho, we are one of the top States in the Nation as it relates to producing specialty crops. Beyond being the No. 1 producer of potatoes that we certainly recognize, and most of us enjoy, Idaho is proud to boost production of cherries, table grapes, mint, apples, onions, carrots, and a variety of seed, nursery and ornamental crops.

The specialty crop industry has never relied, as I earlier mentioned, on the traditional farm program to support or sustain it. Yet they are subject to high volatility in markets. They face significant risk in their operations, including pests and disease threats, along with technical trade barriers and disaster conditions.

The inclusion of these new crops does not cost the traditional programs at all because we are not looking for, nor has the specialty crop industry asked for, the kind of program that is represented in wheat and barley and pulse crops and sugar and others. These new provisions do not provide direct subsidy to producers but create and fund programs that will, among other things, help to improve the competitiveness of specialty crops, expand valuable nutritional programs, and direct new mandatory funding to specialty crop research.

Let me give you an example of what I am talking about. Many States of the Nation now have a growing wine industry. Idaho is amongst those. We have a unique microclimate along the Snake River Valley of Idaho that allows us to raise quality grapes and to produce very fine quality wine.

But the problem of adapting an Australian-based or a German-based or an Italian-based grape to a new ecosystem takes research. A few years ago I was able to get the wine industry of Idaho research grants, hire a university professor, do the laboratory work, and learn how to manage a Melbac, or a Shiraz, or a particular type of Cab grape that allows us to up our values and up the quality of the wine grapes of our State. That is the kind of program we have embodied in the new specialty crop title and provision of the farm bill.

It provides producers better ways to address technical barriers in trade. It assists in the prevention, detection, and eradication of invasive pests and diseases in specialty crops.

I am pleased to see the bill extends the authority of specialty crop block grants, a charge which I led back in 2004, and will provide funding to States for locally driven and directed programs relating to research, commodity promotion, product quality enhancement, food safety, and other areas.

These are all very critical to the quality, the safety of the food that the average consumer, once again, walking into the supermarket on a daily basis simply takes for granted.

Mandatory dollars for specialty crop research will help our Nation keep a competitive edge on breeding, genetics, and genomics, also fund initiatives to address a certain economy such as the increased need for mechanization and food safety initiatives.

Very frankly, fellow Senators, if we do not begin to ensure a labor force to American agriculture, the kind that has largely left agriculture over the last 2 years because of the immigration debate and the border crisis that we are now trying to fix, we are going to have to see more and more of our industry mechanized or it will simply have to move out of our country to an area where that labor force exists.

So here is an opportunity in the specialty crop bill to do a little more of that research toward mechanization that again gives us opportunities that we heretofore did not have.

I also applaud the national expansion of the Fresh Fruit and Vegetable Snack Program, a program in which Idaho has been fortunate to participate for several years now. With the expansion, it is estimated that 4.5 million low-income elementary school children in 5,000 schools nationwide will benefit from receiving a fresh fruit or vegetable snack every day of the school year.

This bill takes a major step forward in recognizing the significance of the specialty crop industry to the overall agricultural economy of our country. The benefits to the health of U.S. citizens and the need for a stable, affordable, diverse, and secure food supply are clearly addressed within the specialty crop title.

For the first time in my years in Washington working on farm policy, I think it is possible to say the farm bill we currently have on the Senate floor, crafted in a bipartisan way, with the administration fully participating in the initial input of it, now covers a much broader whole of the American agricultural scene than we have ever before had.

With the inclusion of specialty crops in the overall program, it can clearly be said that is the case. So while I know the bill currently has its own problems on the Senate floor based on what may or may not transpire here, this is a very fine piece of work, in my opinion. Do I agree with all of it? No. Would I have written it this way had I been chairman of the Ag Committee or had the ability to do so? No, probably not.

There are several provisions within it that would simply not be there because my State of Idaho, for example, does not necessarily care for some of them. For example, the large milk program of dairy is not what adjusts or identifies to my State's large and rapidly growing dairy industry. This is designed to protect a much smaller producer; in my opinion, a less economical producer today than the kind that has built the dairy industry in my State.

Be that as it may, that has always been the character of farm policy. Has it been bipartisan? Yes. By definition it has to be. Does it need to recognize all regions of our country? Yes, it does.

But most importantly, in doing all of those things, what it always has been able to do is to assure the American consumer that food in this country will be relatively inexpensive compared to the amount of consumer income required to put a meal on the table of an American family. Americans, without question, are blessed because of the phenomenal productivity of American agriculture, the ingenuity, the technology, all that goes there.

In part, the stability that has produced that is a product of farm policies down through the decades that have recognized the basic principle that a nation that can feed itself, that can be assured there will be an abundance of food for itself and use the surplus to

sell to the world, is a nation that not only can be preeminent but certainly a nation that can stand on its own.

Senator STABENOW has just entered the Chamber. She and I were the first two Senators to actually sit down with the fruits and vegetables industry of our Nation and say: We need a specialty crop title. We need provisions within the farm bill that recognize and bring forth all of the kinds of programs that I have just talked about.

Over the course of the last 3 years, working in a bipartisan way, we have done just that. Let me recognize Senator STABENOW for the phenomenal work she has done over the last several months in shepherding this piece of legislation through to inclusion in the farm bill, in working with both sides of the aisle to assure that happened. And I must say hats off to the Senator from Michigan because she, like I, recognizes the phenomenal diversity of agriculture in our State and the need to not only recognize it and enhance it where we can, but to do so in a bipartisan way, that has produced the work product we have before us.

I am proud to stand on the Senate floor today recognizing a small but very important new provision within the farm bill, recognizing the nearly 50 percent of gross farm revenue across America today that is embodied within the phenomenal specialty crop diversity that makes us the great agricultural Nation we are.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Michigan.

Ms. STABENOW. Mr. President, before my friend leaves the floor, I thank the distinguished Senator from Idaho for his leadership as we have worked together on specialty crop issues. This is an important bipartisan effort. We began focusing on it when we defined specialty crops in the Specialty Crop Competitiveness Act of 2004. We have now taken that definition and gone on to include, as he said, 50 percent of the cash receipts from the crops that had not been recognized fully in the farm bill. It has been my pleasure to work with him and see that we have been able to make this an important part of this farm bill for the future. I thank him and congratulate him.

I rise to speak about the farm bill in front of us. It is an effort that has taken a tremendous amount of time, debate, and negotiation, a 2-day markup. We ended up passing it unanimously out of the Agriculture Committee, which is no small feat. I am pleased to have played a role in that process. A major reason for our success was our chairman, the distinguished Senator from Iowa, who has been so diligent from the beginning. He has had a vision about the future for agriculture, where we needed to go in alternative energy, conservation, fruits and vegetables, nutrition, as well as our traditional support for agriculture. I thank Chairman HARKIN and our distinguished ranking member for their efforts together. We have put into

place a farm bill for the future. I am very pleased we are doing that.

Our needs are different than when the first farm bills came about. Energy independence, preserving and protecting the environment, making sure we have a nutritious supply of products to keep communities and families healthy are all areas covered in this new farm bill.

I thank my dear friend and colleague, the chairman of the Budget Committee, Senator CONRAD, for his incredible leadership, putting all the numbers together. We have only a relatively small increase above the baseline in this farm bill, \$8 billion. Contrary to what we are hearing from the administration, we are seeing a relatively small increase, fully paid for under the budget. Thanks to the work of Senator CONRAD, we have a farm bill that is done in a fiscally responsible way.

I thank the chairman of the Finance Committee, Senator BAUCUS, for his extraordinary leadership. Serving on the Budget, Finance, and Agriculture Committees, I have to say we would not be here with a successful farm bill if it were not for Senator BAUCUS and the work he has done in providing revenues as well as a permanent disaster relief program, which is incredibly important.

I also thank my staff for their hard work. We have been working for months and months on this farm bill, many late hours, some all-nighters. I thank Chris Adamo and Oliver Kim, who have done an extraordinary job on the nutrition pieces of this bill; Ilana Levinson; and my legislative director, Amanda Renteria.

This new farm bill represents a progressive agricultural policy and a vision of the future. It focuses on and expands many new policies, such as specialty crops and renewable energy, conservation, nutrition, and rural development. When people think of Michigan, most of the time people think of automobiles and manufacturing. But in fact, the second largest industry in Michigan is agriculture. We have more diversity of crops than any other State other than California. This is a very important part of public policy for Michigan. It is about supporting our growers, about communities, the schoolchildren, seniors, and others who benefit from nutrition programs. It is also about jobs. In real ways, this is a bill that will create jobs in my State.

We have everything from traditional commodities in Michigan, such as dairy and meat and pork and corn and sugar beets and soybeans. We are also proudly the national leaders in the production of numerous specialty crops—our fruits and vegetables, including blueberries, apples, cherries, asparagus, and celery. Michigan farmers are in need of a safety net for the crops they now grow, our program crops. But they also are asking us for a new set of policies, not payments, not direct payments, but a set of policies that will allow us to support fruit and vegetable

growers who make up half of American agriculture.

In addition to diverse farms and commodities, we also have expansive urban areas with strong interests in conserving our national resources, our land, our Great Lakes, expanding as well in our inner-city areas access for fresh fruits and vegetables through farmers markets and community gardens and school nutrition programs. Literally, for me, every single part of the farm bill is important and impacts someone in my State, whether they be involved directly in farming or not. Of course, as we sometimes don't think about, the farm bill does impact everybody, whether you have any part of agricultural production in your State or not because of what this means in food security, nutrition, and now focusing on other important areas such as alternative energy.

I understand, as we debate this important farm bill, we will be continuing to talk about reforming farm policy. I know for many, the reforms that have passed in the Agriculture Committee—and we have put together very important reforms—as well as for me, do not go as far as I would like. But they do represent a very important first step in the right direction. There is a tremendous amount of reform in this legislation. It is important for us not to define reform as just changing direct payments. It is about changing the focus, expanding the focus toward the future, which is what this farm bill absolutely does. We have made progress on farm payment reform, but we have also put in place a new guide for the next 5 years in completely new farm policies, such as specialty crops, helping producers grow more and consumers to have more access to healthy foods.

Energy is a very exciting part of this bill, the next economic opportunity for rural America, for our farmers. These new policies will create new jobs and new, clean, renewable energies. Conservation, again, is a major focus for our chairman, and I commend him for that. His leadership has brought us more than \$4 billion in new investments in conservation that will help producers be the great stewards of the land they want to be.

Again, the chairman, in his leadership on nutrition, has been extraordinary, expanding the food and nutrition program and providing more access to healthy foods. In fact, it is important to mention that roughly 66 percent of the farm bill is focused in some way on nutrition. That means this is truly a food security and nutrition bill for every American. It is also important to mention that we have included a focus on beginning and disadvantaged farmers, new policies in the conservation title, as our Presiding Officer has focused on in so many of the areas around conservation and supporting our farmers and family farmers. The credit title also helps new farmers and those sometimes wrongfully left out to provide for more conservation and

more credit resources. We know we need a new generation of farmers to continue providing food security for our Nation.

Let me speak about each of these areas briefly. The area of the farm bill we call specialty crops, what does that mean? We are talking about fruits, vegetables, horticulture, floriculture, dried nuts. We had defined those areas in 2004 in the farm bill. This is something I have been working on since coming to the Congress after the 1996 election, 4 years in the U.S. House on the Agriculture Committee, and now in the Senate. I remember when we first started talking about specialty crops and trying to find something in the farm bill that would directly support the 50 percent of the crops that are fruits and vegetables and other specialty crops. It was difficult to find much. But finally, after working together on a bipartisan basis and having wonderful support from the Agriculture Committee, we can honestly say we have placed specialty crops as a permanent part of the farm bill.

This is incredibly important, particularly now when we look at the needs for nutrition, the needs of the future for our families, our children, our seniors, as we look at a world economy, where it is very important that we be supporting our own fruits and vegetable growers.

There are 36 Members of the Senate who have come together, because we grow specialty crops in our States, and have supported the efforts. I thank each Member who has lent their voice in support and strength to this effort. We have over 120 different organizations that have been working now for several years to come together to get to this point. I thank all of them for their efforts as well.

We have come a long way since the 2002 farm bill, when we were talking about trying to get some help with tree assistance or some basic nutrition programs. In 2004, we passed the Specialty Crop Competitiveness Act which defined specialty crops and for the first time gave us a policy from which to work. It laid the groundwork for the progress we have made in creating a specialty crop policy in the farm bill, including the centerpiece program such as specialty crop block grants. Today, for the first time, there is a significant package to help our growers who supply our healthy foods. This package is what I call a toolbox, not a direct payment. They have not asked for that, but they have asked for a variety of things to help them be successful and make fruits and vegetables available to our families.

The toolbox includes competitive grant programs, research funds, increased protections from pests and disease, trade export promotions, various nutrition programs to help those in need, as well as a focus on our schoolchildren, assistance for organic farmers, a very important, growing part of agriculture, as well as important conservation payments. This multitude of

policies offers real reform and is needed for a variety of reasons.

It is also important to note the new disaster assistance program that has been put together accommodates specialty crops as well. There is approximately \$1 billion of disaster relief for specialty crops included in the disaster relief program. It will expedite aid to producers after natural disasters for which farmers cannot plan. A critical part of this is new mandatory funding for the Tree Assistance Program. This is absolutely critical to our farmers who have orchards because our orchards—such as cherries and peaches and apples—are basically the assets. The trees are the assets for those farmers, and they are expensive assets that take years to yield profits. So being able to support those growers who have orchards and to be able to help them in a disaster is very important.

It is important to note that specialty crop farmers are also very diverse. What is good for the Washington apple growers may not be the same for Michigan apple growers. Different diseases and challenges face different growers in different parts of the country. So policies such as the State-run block grants that we have included and competitive research grants are vital to help the over 200 different types of specialty crop farmers across the Nation be able to have assistance for their particular issue, their particular areas of concern.

Second, fruits and vegetables are more susceptible to different pests and diseases. We must have the best inspection and rapid-response policies in place. Currently, the costs borne by the fruit and vegetable industry due to invasive species reaches over \$1 billion a year. Our disease and pest policy will help prevent new invasive species as well as help mitigate them. This will help not only specialty crop growers but all our farmers as well as our forests.

Third, just like our traditional row crops, such as corn and soybeans, we need a strong domestic supply of fruits and vegetables. Studies suggest that even if every person in this country tried to eat the five to nine servings of fruits and vegetables per day that are recommended by the Federal Government, our domestic growers would simply not be able to meet the demand.

Fourth—and while speaking of domestic fruit and vegetable farmers—this Nation currently imports \$2.7 billion more than it exports in fruits and vegetables. So we need to ensure our safety and health and help our growers as they export as well.

Finally, when we talk about specialty crops, we are really talking about eating in a healthier way. A better supply of fruits and vegetables means more access for more people to the things they need to be healthy and to prevent systemic disease in the future.

Along with our focus on specialty crops is a real partnership with the

portion of the farm bill that focuses on nutrition. This farm bill makes important strides in reducing hunger in our Nation and improving the nutritional health of our children. It makes a key link between our commodities—our fruits and vegetables—and health by recognizing the importance of fruits and vegetables in the new specialty crops provisions.

The Physicians Committee for Responsible Medicine has applauded efforts to increase consumption of fruits and vegetables. They noted that HHS statistics have found that unhealthy eating and inactivity cause 310,000 to 580,000 deaths every year.

In addition, in this Congress we have made our children's health a legislative priority. In addition to our fight for the Children's Health Insurance Program, we have expanded the successful Fruit and Vegetable Snack Program so that schools nationwide will be able to give children a healthy snack. Again, my hat goes off to our chairman, who placed the Fruit and Vegetable Program in the farm bill in the past as a pilot project.

A lot of folks said: Well, even if you have a bowl of fruits—apples or other fresh fruits—and vegetables available in schools, the kids won't eat them; they will just go to the vending machine. Well, it turned out that was not true. It turned out that children loved having those apples and peaches and strawberries and plums and all of the other fruits available. Teachers across the country have been clamoring to expand this very successful Fruit and Vegetable Snack Program, and we have done that in this bill. In fact, with the passage of the farm bill, about 120,000 children in Michigan alone will have access to fresh fruits and vegetables through the snack program.

This is a very important policy in terms of the future for our children. Making sure children eat right and understand good nutrition is, of course, critical for their long-term health. According to the New America Foundation's child development and youth well-being index, health indicators for children are on the decline mainly due to children's poor nutritional health and obesity. By helping our schools purchase healthy snacks, we can not only give children better food but also help guide their nutritional choices throughout their entire lives. Maybe if they pick up an apple or dried cherries—grown in Michigan, of course—rather than junk food, we will give them an opportunity for a healthier future.

Additionally, the farm bill addresses hunger by making long overdue changes to the Food and Nutrition Program, formerly known as food stamps. Since 1996, the income standards for this program have been frozen—in other words, no increases. Food costs go up, inflation goes up, and there have been no increases. This has caused the purchasing power for families to decline as food costs and inflation have increased.

In just one example, a 32-year-old single mom named Sonya, who lives in Michigan near my hometown of Lansing, has two children ages 12 and 13. She works two jobs. One pays \$10.40 an hour, where she works 24 hours a week. The other one pays her \$76 a day. She is working hard to hold things together for her family. She spends nearly \$650 a month in daycare expenses, right now, for her children. But under current law, she cannot count the full value of her childcare costs when she applies for the Food and Nutrition Program. This cap on childcare is a huge incentive against working.

The nutrition title will help Sonya and other families—and the vast majority of Food and Nutrition Program households are three-individual households like Sonya's—because it takes that cap off and will cover and count the costs of childcare for working moms. For example, a mother of three who works 35 hours a week at \$9 an hour and pays \$350 a month for childcare for a preschool-aged child would receive an additional \$79 in food assistance for herself and her children. This is a huge difference. It may not sound like a lot of money, but it is a huge difference for families all across this country.

We should be very proud of the fact that on a bipartisan basis we have placed these improvements in the bill. However, we still need to do a lot more, and I certainly support other efforts to do that.

We still need to make improvements to the Commodity Supplemental Food Program. Unfortunately, our senior citizens, who make up the bulk of this program, the Commodity Supplemental Food Program, are eligible at a lower income threshold than are families. In other words, if you are a senior up to 130 percent of poverty, you can get help with food; for a family, it is 185 percent. There is really no reason to discriminate against senior citizens, and a number of organizations, including AARP, the National Commodity Supplemental Food Program Association, and America's Second Harvest, want to fix this program. I am working with the chairman to offer an amendment to do that.

I mentioned a little earlier that this bill is also a job creator. This farm bill is creating new jobs as well as a cleaner environment—both very important goals.

The energy title will help bring forth a new rural economy. In Michigan's case, this is already happening, and we welcome the provisions of this bill. They are very important to us in Michigan.

First, there are loans and loan guarantees for cellulosic ethanol refineries. In Michigan, we have interest from multiple companies to set up new cellulosic refineries. We have corn, sugar beets, switchgrass, and wood byproducts—timber—opportunities that can all be a part of the cellulosic equation. Again, I know the distinguished Presiding Officer has worked diligently in

those areas. They are very important for the future of this country and certainly in my State will create jobs.

Financing is needed in the early development of these projects, as we know, and these new policies will provide that missing link, which is so critical. Perhaps by the next farm bill we will see the fruits of our labor when we can truly say: Buy fuel from Middle America instead of the Middle East.

Next, farmers need assistance to switch to these new energy crops and to produce renewable energies. New policies will provide technical assistance and resources to help producers convert to new crops that can produce ethanol and take advantage of their wastes by converting them into energy. An example of this is anaerobic digesters that our dairy farms can use to convert animal waste to energy. Not only is this a new source of income, but it also disposes of waste, therefore reducing pollution into the air and the water.

Finally, I would like to highlight another program important to Michigan that has the potential to spur economic development while alleviating our dependence on foreign oil. A Community Wood Energy Program will help invest in projects looking to use more wood products to produce energy. With a State that is more than one-third forested, and paper mills are in the decline, this is a very valuable addition, from my perspective in Michigan.

The energy title will go a long way toward a cleaner environment, but the conservation title in the farm bill is one of our most important environmental laws. Farmers are some of the best stewards of our land. We know that. They produce high-quality, safe, nutritious products while meeting strong environmental standards. Our addition of \$4 billion in conservation funding this year is imperative to meet the growing demand of farmers who want to enroll in various conservation programs. These programs keep our air clean, farmland productive, spaces open, land open, wildlife thriving, and offer some of the best water quality protections.

The conservation title is especially vital to our Great Lakes, North America's largest source of fresh water. Farm bill conservation programs have ensured that once-marginal Great Lakes farmland now filters sediment and erosion while providing millions of acres of high-quality wildlife habitat, which supports the local \$18 billion hunting, fishing, and wildlife-watching industry in Michigan. Programs such as the Wetlands Reserve Program improve water quality and are essential to the continued health of the Great Lakes. These programs protect and restore wetlands that serve to filter pesticides, fertilizers, and sediment out of the water that millions of Great Lakes residents depend on for their drinking water as well as for swimming and bathing and just plain fun. And we in-

vite everyone to come and be a part of the Great Lakes experience.

I want to congratulate, again, Chairman HARKIN and my colleagues on the committee for their commitment to a strong conservation title. In spite of the tight budget we have once again, conservation is a priority.

I would like to take a moment to recognize changes in a program that I was very pleased to author as a part of this conservation title. The Great Lakes Basin Program for Soil Erosion and Sediment Control will be reauthorized for another 5 years under the current bill. This program has a proven track record of efficiently providing grant funding to local organizations and governments to prevent soil erosion in the Great Lakes region.

I am pleased to have been able to add language to the farm bill to tie the Great Lakes Basin Program to the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes. This will assist in accomplishing two of the Great Lakes Regional Collaboration Strategy's priority recommendations: first, targeting cleanup activities in severely polluted rural watersheds; secondly, restoring urban watersheds that have been degraded by development.

The Great Lakes restoration strategy is really a comprehensive blueprint for restoring the Great Lakes. It was initiated following an Executive order which recognized the Great Lakes as a national treasure. The strategy was produced by a broad cross-section of people representing our local communities, the State and Federal Government—truly a bipartisan effort—NGOs, tribes, and various stakeholders that came together.

The strategy identifies reducing nonpoint source runoff from rural and urban areas as one of the top eight sets of priority recommendations necessary for restoring the health of the Great Lakes. This program will enable the region to initiate pilot projects consistent with these recommendations. I am very pleased this is part of the farm bill.

Restoring the Great Lakes must be a national priority. A recent Brookings Institute study clearly showed that Great Lakes restoration is about more than environmental restoration; it is about protecting our way of life. Reducing soil erosion, sediment, and pollutants helps maintain a clean source of drinking water for over 42 million Americans and Canadians who depend on the Great Lakes. Decreasing nonpoint pollution in the Great Lakes reduces the damage caused to fish and wildlife habitat and will help protect a sport fishery that generates \$4 billion a year. Reducing nonpoint pollution will reduce the costs of maintaining stormwater systems and the costs of dredging the harbors and marinas that are the economic backbone to the Great Lakes region's shipping capacity, in addition to a \$1 billion recreational boating industry. This pro-

gram ties a Great Lakes program with a proven track record to the implementation of a comprehensive strategy that, when fully implemented, will protect an international treasure for the next generations.

I also want to acknowledge another important piece that I was pleased to author in the farm bill that is important to American producers. Current law clearly states that all purchases made—to the maximum extent practicable—with Federal funds for use in the National School Lunch and Breakfast programs should be domestic goods; in other words, American-made, American-grown. Congress has passed this law in multiple statutes and has repeatedly reinforced its support for the Buy American provision, and expects it to be implemented and enforced. Unfortunately, USDA has not adequately enforced the Buy American provisions in current law. This is another example of this administration's failure to enforce the laws on the books, and this time our growers and consumers are paying the price. The list of trade enforcement violations is growing, and today the United States has the weakest trade enforcement effort of any developed country. It is important we make sure that while the USDA buys only domestically grown food for schools, that we also make sure when the school programs themselves—the local programs—are purchasing, that they know this provision is in place.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. No objection. How many minutes? Two?

Ms. STABENOW. Two.

Mr. DOMENICI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you very much.

There is so much in the farm bill that it is difficult to have a short presentation. I am only touching on a few of the major areas.

Let me conclude, though, by summarizing the Buy American provisions because, unfortunately, even this past July at a national school food conference, a food company marketed peaches that said "peaches from China packed in Thailand," and I know we grow great peaches in the United States. So we want to make sure that as we are putting all of these provisions together to support American agriculture, that, in fact the USDA is doing everything possible not only to purchase themselves but to communicate with our school programs and other nutritional programs that we expect we will purchase from local growers, American growers first. We hope we will not have to say this again. We have put this in numerous bills. It is



vital that we take this very seriously if we are going to, in fact, be supporting American growers. This provision—the Buy American amendment—matches the House-passed language, and I am hoping they will join us in making sure it is truly enforced at this time.

As my statement shows, this farm bill is expansive. It is important to all parts of our country, our families, our communities. It is important in so many ways as we look for healthy foods and strong communities and jobs, preserving our land and our water. It has very important policies, traditional policies we have had for some time, coupled with new approaches for the future in alternative energy and other areas that are critical for the future of our country. I regret that the administration has indicated a possible veto of this bill. I hope, in fact, they will reconsider as we move along. This is an important bipartisan effort. A tremendous amount of work has gone into this. This is truly a farm bill for the future of the country. It is fiscally responsible. It is paid for. I am very hopeful that not only will we pass this with a strong bipartisan vote, but that the President will support this very important effort to support our growers, our farmers, our ranchers, as well as the food security of the United States.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico has 15 minutes under the previous order. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, parliamentary inquiry: I am to be followed by Senator THUNE, who has 15 minutes, is that correct?

The PRESIDING OFFICER. That is not yet a part of the order.

Mr. DOMENICI. I ask unanimous consent that it be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise this afternoon to discuss the process under which we consider this bill that has been set forth by the majority leader earlier. I also want to discuss a critical issue facing our farmers. I do not want to belabor the point that has been made by our distinguished Republican leader, Senator MCCONNELL, and by Senator GREGG about the importance of an open amendment process, but I do want to add some context, if I might.

I understand it is the majority's prerogative to fill the amendment tree, and it has been done by leaders of both parties in the past. However, I wanted to go on record about the potential serious danger of this process. Earlier, the majority leader stated that only amendments that are relevant to the farm bill will be allowed to be offered and voted on.

Well, I cannot think of any amendment more relevant to the economic security of the American farmer than an amendment to increase the renewable fuel standard. I am very hopeful

the amendment will meet the test the leader has made for amendments. I don't know yet whether it will, but I think before I am finished and before other speakers are heard, it should be quite obvious that there is no amendment that could be offered that is more important to rural America and the farmers than this one.

Since we passed the first ever renewable fuels standard in the Energy Policy Act of 2005—and the occupant of the chair was a member of the committee that wrote it—bipartisan—and played a very vital role in a number of its provisions—since that Energy Policy Act, we have seen a surge in ethanol jobs and a surge in the construction of ethanol plants. I think we all know that. In 2006 alone, the ethanol industry supported the creation of 160,000 new jobs, while producing 5 billion gallons of ethanol. These are American farm jobs which help produce American fuels and help reduce our dependence on foreign oil. It seems to me the relevance of ethanol is asked and answered.

My bipartisan amendment would set annual requirements for the amount of renewable fuels used in motor vehicles, homes, and boilers. It would require that our Nation use 8.5 billion gallons of renewable fuels in 2008 and progressively increase to 36 billion gallons by 2022.

My amendment will help the ethanol industry right now by doubling the current ethanol mandate from 7.5 billion gallons in 2009 to 15 billion gallons by 2015. That will ensure that America will be using the additional ethanol that farmers are producing.

Beginning in 2016, an increasing portion of the renewable fuels must be advanced biofuels. Advanced biofuels include cellulosic ethanol, biodiesel, and other fuels derived from unconventional biomass feedstocks such as sorghum. The required amount of advanced biofuels begins at 3 billion gallons in 2016 and increases to 21 billion by 2022.

I want to depart from my text and talk a minute with the Presiding Officer and any other Senators who are listening. This amendment is part of the so-called Senate Energy bill passed in June. It has three major parts, and this is one part of it. This is one that has a lot to do with ethanol, but it was part of the Energy bill we passed and took a lot of pride in. Since then, the House passed a bill. The House passed two bills on energy. Their bills were, for all intents and purposes, completely different than the Senate's bill. We have been totally unsuccessful in moving anything in the direction of getting either our bill or their bill moving toward a bicameral solution in conference or by agreement between the two Houses through appropriate people. That is not occurring. There is lots of talk but no action. Pretty soon we will be giving the excuse for doing nothing for the ethanol prices—we will be saying, wait another month and we

will get this agreement with the House. The Senate-passed bill will somehow get negotiated out with the House, with somebody, somehow, sometime, even though they don't have any provision in their bill that is like the one I am talking about.

This amendment is in our bill—the bill of the Senate—that we worked so hard on. It is the one the President talked about in his State of the Union Address, as the occupant of the chair might remember. Cellulosic was what everybody talked about: In about 2 years we break that R&D requirement and we are ready to go with the most critical new fuel—cellulosic. Now we sit and say, let's not do anything. I am kind of prejudging what some will say tomorrow when this amendment, which will be filed at the desk and which is nothing more than the Energy bill that was passed with all of the amendments that were adopted, that was subtitle B, the biofuels for energy security and transportation as part of the Energy bill—it is now an amendment I am asking to be attached to the farm bill. I think it should meet the leader's test where he said it has to be something that is strongly related to agriculture or he isn't going to consider it. Considering things such as perhaps the Lugar bill, which is highly touted as a substitute—it won't pass, but it will be permitted to be offered as an amendment, I assume.

This amendment is very important. We could get out of here in December and not have an agreement with the House on this energy bill. I repeat: They don't have this provision in their bill. They are going to have to accept a whole new approach. Energy security and transportation through biofuels is part of the three components of the bill, of the big bill we are talking about. We would have to find some way for the House to accommodate all three of the big sections, because they have none of them. They don't have this one. They don't have CAFE, on which our fellow committee members on Commerce worked very hard. They don't have CAFE in theirs. They don't have this provision, and they don't have the very large provision we have in ours with reference to maintenance and security, reducing the costs of various fuel products. So it is not going to be easy to get that. It would be very easy—if the majority leader agrees tomorrow, it would be very easy to adopt this amendment and, eventually, if the agriculture bill passes and goes right over to the House, and they have no alternative—they have to go to conference with a farm bill that is going to be very popular and it is going to have this provision on it, and it is very popular. As my colleagues know, if it were freestanding and didn't have any of the problems of: Does it belong on this bill, which I think is an irrelevant statement—we shouldn't be talking about that—it belongs on this bill, we are going to make up a rule if we don't let it come on here. It fits; it is germane;

it is relevant. Any words we have used historically for amendments, it is that.

Now, beginning in 2016, an increasing portion of renewable fuels must be advanced biofuels, which must include cellulosic ethanol, biodiesel, and other fuels derived from unconventional biomass feedstocks, such as sorghum. The required amount of advanced biofuels begins at 3 billion gallons in 2016 and increases to 21 billion by 2022.

Advanced biofuels do not have many of the challenges that conventional ethanol does. The inclusion of advanced biofuels strikes a balance that will allow America to begin diversifying our fuel supply in a very short term and in the long term.

That is why, when supporting these same provisions in the Energy bill, the Renewable Fuels Association said that they “strike the right chord”—that is what this does—noting that “such an investment in our Nation’s energy future promises to spur the creation of new, good-paying jobs across the country.”

This amendment consists of the very same provisions passed by the Senate in June as we considered the Energy bill. Some may ask, then, why do I seek to offer this amendment to the farm bill? I have already told you my answer. Repeating, first, the Energy bill is languishing largely because the House has very different provisions, and we have no way of going to conference. We are not in conference. We are negotiating in some way. People are talking. Committees are talking, but nothing is agreed upon by anyone as to the process or procedure. Certainly, we have to have that bipartisan. It will not pass if it comes here from the House and doesn’t have some Republican input. I assume it will come from people such as me, as ranking member of one of the committees, or maybe Senator STEVENS, who would have to be part of it if it were to have a real chance.

The second reason is this amendment is relevant to the farm bill. It is necessary now to reinvigorate the ethanol industry, and that industry and everything that makes it up is looking to Congress to extend this mandate as soon as possible.

In one sense, we have been a victim of our own success. Thanks to the 2005 Energy bill, rural America has answered the call for increased ethanol production. In fact, we have now exceeded the original mandated amount in our fuel mix. For example, in 2006, the ethanol standard was 4 billion gallons and, in fact, our domestic production of ethanol was 5 billion gallons. We can do more and the American farmer is looking for Congress to do more.

Over the last year, the price of ethanol has dropped nearly 40 percent. The reason for this is simple economics. We have an increased supply and diminished demand in the marketplace. As a result the construction of new plants has been delayed meaning new job

growth has been diminished and rural communities are looking to us to take action. We cannot wait for a languishing energy bill while rural communities are losing their opportunities. This amendment is not simply relevant to the farm bill, Mr. President. It is necessary.

This matter will come back. It will be filed sometime tomorrow, or the next day, depending on when the leader will talk to me on the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I want to thank my colleague from New Mexico for his leadership on energy issues, generally, as a former chairman and now ranking member on the Energy Committee, and particularly regarding renewable fuels.

In 2005, the Senate, the Congress passed an energy bill that was signed into law by the President, which, for the first time ever as a matter of policy, put into place a renewable fuels standard. That was in no small part a tribute to the leadership of Chairman DOMENICI and his good work, working with many of us who care deeply about renewable fuels and making sure we are advancing that industry in this country so we can lessen our dependence upon foreign sources of energy. So I appreciate his leadership and am glad to be able to work with him again as we try to offer a renewable fuels standard to the farm bill, which has already been adopted, as he mentioned, by the Senate regarding the Energy bill. The Energy bill is currently tied up and, hopefully, we will produce an energy bill this year before Congress adjourns for the holidays. But if, in fact, we cannot get that done, it is important for this industry, and I believe for our country’s interest, that we get an expanded renewable fuels standard put into law.

Mr. President, the bill before us today is entitled the Food and Energy Security Act of 2007, commonly referred to as the 2007 Farm bill. The naming of this bill is not without meaning. It is abundantly clear that agriculture and energy production are inherently related, and together will move our Nation toward greater food and energy security.

The 2002 Farm bill was the first farm bill to include an energy title. As a member of the House Agriculture Committee during the 2002 Farm bill debate, I can attest that including an energy title in the farm bill was not easy, nor was it without controversy. However, Congress had the foresight to realize that renewable energy was an integral part to our agriculture economy and a comprehensive farm bill would be incomplete without including renewable energy incentives.

The Food and Energy Security Act of 2007 also includes an energy title that builds on the success of the 2002 bill. The incentives in this energy title will greatly benefit American consumers, our agriculture producers, and our Nation’s energy independence.

As part of the 2007 Farm bill, the Senate Agriculture Committee worked with what little resources we had to meet the demands of a new generation of renewable fuel. In particular, the committee included a provision that Senator BEN NELSON and I helped draft that will provide incentives for farmers to grow energy dedicated crops in conjunction with the construction of a nearby biorefinery.

There is a chicken and egg dilemma with regard to cellulosic ethanol production. If you ask a farmer in South Dakota or Georgia or California to change his planting pattern to grow energy dedicated crops, the response will likely focus on a lack of market to sell these crops.

If you ask an ethanol producer about the prospects of cellulosic ethanol, they will likely highlight the lack of energy dedicated crop availability.

In reality, energy dedicated crops such as poplar trees, switchgrass, and miscanthus, take 2 to 3 years to establish. Likewise, a new generation cellulosic ethanol biorefinery will take several months or years to build. There is an obvious gap in the marketplace for cellulosic ethanol production, and this bill would fill this gap by providing first-of-its-kind incentives for producers who grow energy dedicated crops in conjunction with the construction of local biorefineries.

This provision represents significant progress in our agriculture policy as we look for ways to promote advanced biofuels.

The Food and Energy Security Act also authorizes the U.S. Department of Agriculture to provide grants and loan guarantees for commercial scale biorefineries. Private sector investment in the renewable fuels will ultimately determine the success of this industry, and it is critical that funding mechanisms are in place that will move cellulosic ethanol from the laboratory to full scale production.

Additionally, it is important to note that these loan guarantees would also benefit existing plants that wish to repower their facilities or retrofit with new cellulosic technology.

By leveraging a small amount of tax dollars with hundreds of millions of dollars in private equity, federally backed loans for new plants are an effective policy that will help grow the production of advanced biofuels.

Although the Senate version of the 2007 farm bill includes several important energy provisions, it is missing one critical component that would increase the market demand for renewable fuels.

Just a few moments ago, Senators DOMENICI, NELSON, GRASSLEY, and I introduced a bipartisan amendment to increase the renewable fuels standard from 7.5 billion gallons in 2012 to 36 billion gallons in 2022.

Last June, the Senate acted in a bipartisan manner and passed an Energy bill that increases the role renewable fuels as a part of our energy policy.

This amendment reflects the Senate-passed RFS, and I hope my colleagues will once again support this policy as an amendment to the 2007 farm bill.

Some of my colleagues may ask, "Why include a renewable fuels standard as part of the 2007 farm bill?" The answer is simple, since the beginning of Federal farm programs, no single policy has had a greater impact on America's agriculture industry than the renewable fuels standard enacted by Congress in 2005.

The renewable fuels standard and the dramatic expansion of biofuels production has provided farmers with an alternative market for their crop and increased demand for corn production. The renewable fuels standard has created jobs in rural communities and spurred investment opportunities in rural America.

The expansion of the biofuels industry hasn't been perfect. The dramatic expansion of biofuels has led to concern among some livestock producers and food processors about inflationary trends in commodity prices. However, these concerns are being addressed by the marketplace. Producers have responded with record corn production and will continue to meet the demand for feed, food, ethanol, and exports.

Additionally, like the Senate-passed renewable fuels standard, this amendment would boost the production of advanced biofuels by requiring the production of 21 billion gallons of cellulosic ethanol by 2022.

Crude oil is trading at over \$90 per barrel. Many analysts are predicting oil will hit \$100 per barrel in the near future. Typically, in the late fall, early winter, consumers are granted a reprieve from high gasoline prices as demand subsides from the summer driving season.

However, this fall, the retail price of gasoline has remained at high levels. Yesterday, the average price of gasoline reached \$3 per gallon—an all time record for gasoline prices in November. Many are predicting even higher prices in the near future if the price of crude oil continues to climb.

When is enough, enough? When are we going to take a stand and stop sending American dollars overseas to countries that want harm to the United States when we have an untapped resource for clean renewable fuel here at home?

I believe I speak for the majority of U.S. Senators when I say we should purchase our fuel from America's agricultural producers rather than from overseas oil cartels.

In 2005, Congress as acted to enact the first ever renewable fuels standard of 7.5 billion gallons by 2012. By the end of this year, our Nation's ethanol capacity will total almost 7.5 billion gallons, 4 years ahead of schedule. With planned and existing construction, our Nation's ethanol capacity will soon double.

Clearly, as our biofuels industry advances, so must our national policy.

Now is the time to increase the renewable fuels standard and usher in a new generation of cellulosic ethanol production.

I thank Chairman HARKIN and Ranking Member, CHAMBLISS for their support for a strong energy title.

Over the past several months, we have had a thoughtful and conscientious debate on farm and energy policy. Considering the limited resources presented to the Committee, we crafted a bill that will undoubtedly move production agriculture and renewable fuels forward in a sustainable and reliable manner.

Adding a strong renewable fuels standard to the Food and Energy Security Act would greatly enhance these efforts. The U.S. Senate is already on record for supporting provision by a wide bipartisan majority. I encourage my colleagues to once again support this amendment.

There are so many things we can do in this farm bill to help improve the agricultural economy in this country. I will speak at a later point about some of the other provisions in the bill that I think will do that. But I cannot emphasize enough the importance of the energy title to not only American agriculture but to America's position and place in the world relative to our need for energy and our ability to meet that need here at home.

I hope my colleagues in the Senate will move in an expeditious fashion to pass this farm bill. Before we do that, let's take a hard look at what we can do to make this energy title even stronger and create an even more robust market for renewable energy, so those great American farmers out there who are producing the food and fiber for this country can also continue to produce fuel to meet America's growing energy demand and lessen our dependence upon foreign sources of energy.

I, again, thank the Senator from New Mexico for his leadership on this issue and for his important role in 2005 in getting the renewable fuels standard put into law for the first time—the 7.5 billion gallon standard I mentioned—by 2012. But it is now important that we increase that standard—as proposed in this amendment and as passed earlier by the Senate in the Energy bill—to 36 billion gallons by 2022. If we do that, we will make a very strong and bold statement about our commitment to reducing our dependence upon foreign energy and making America energy independent.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, there is a worldwide epidemic of illegal logging

which has been poisonous for the global environment and devastating to vital American industries. Given the urgency of this problem, Senator ALEXANDER, myself, and more than 20 other Senators have joined in legislation—S. 1930, the Combat Illegal Logging Act—and I and my good friend from Tennessee are on the floor and wish to speak briefly about this legislation.

We have worked for many months on this bill, cooperatively with the forest products industry, with the conservation community, and with labor organizations, and the Congressional Budget Office recently scored our legislation as having no cost. We have filed this legislation as an amendment to the farm bill, and we believe it is urgent that the Senate pass this legislation on a bipartisan basis to protect American companies from unfair competition and to protect forests around the world against illegal logging.

More than 1 year ago, a group of hardwood plywood manufacturers came to me with concerns about illegal Chinese hardwood plywood imports that were threatening their businesses. A whole host of unfair and illegal practices was lowering the costs of the Chinese hardwood plywood import sector, giving them an unfair advantage over our American hardwood plywood and putting American companies in jeopardy of going out of business and the workers they employ out of work.

Since then, I have been working to level the playing field for these plywood manufacturers, many of whom are in Oregon, and to protect the jobs of the workers they employ. In the course of all this, I have met with the Department of Commerce, the Office of the United States Trade Representative, Customs and Border Patrol, and the International Trade Commission, and have urged them to pursue these issues and act where appropriate. They have, I commend them for it, and they have raised troubling practices that we have brought to light in diplomatic negotiations, opening investigations and even filing a case before the World Trade Organization targeting Chinese subsidies that benefit the hardwood plywood industry.

Our legislation—the legislation Senator ALEXANDER and I hope to win passage for as part of the farm bill—would level the playing field for all American plywood manufacturers as they struggle to compete against artificially low-priced wood and wood products. I am also pleased we have been able to secure the support of the conservation community. They have joined us in this effort because they know it is critically important to the protection of the environment worldwide to act against this illegal logging epidemic.

From the Amazon to the Congo basin to Siberia, we are seeing illegal logging devastate some of the most precious and valuable ecosystems one can imagine. It has been gutting local economies. It has annihilated the very way

of life for a number of these communities. Because of the speed and violence with which illegal logging is occurring, failure to curb its effects now, in my view, is going to result in irreversible damage to forests around the world.

I note my friend from Tennessee is on the floor, and I want to make a couple of additional comments and allow him to speak as well. I see other colleagues want to talk, but I want to take a minute to describe how this illegal activity takes place.

It is typically done by complex criminal networks that have multinational funding, which I think is almost analogous to the way the drug trade works. There was a recent Washington Post article that documented how logs from Burma had been smuggled into Chinese processing facilities and then were exported to major retailers here in our country. In these Chinese processing facilities, what happens is the logs are often mislabeled and misclassified. Sometimes they are even fraudulently stamped with counterfeit stamps that mimic those of well-known wood certifications, such as the Forest Stewardship Council label.

There have been additional reports that have demonstrated how illegal logs are being smuggled out of the last intact rain forest in Asia, in Indonesia, and then they are made into flooring in China to feed the high-end markets in the United States and the EU. So the world's final remaining stands of old-growth teak, for example, are being stripped from Burma's forests to finance the bloody oppression of the military regime. The trade in teak and other valuable tropical hardwoods of Burma and China has reached as much as \$350 million in 2005. In some cases one tree is so valuable on the international market that illegal loggers will cut a road through dense tropical forests to access it.

The amendment Senator ALEXANDER and I seek to offer—and there are many bipartisan supporters—would curb illegal logging by making changes in the Lacey Act, which currently regulates trade in fish, wildlife, and a limited subset of plants. The Combat Illegal Logging Act of 2007 would expand the Lacey statute so that violations of foreign law that apply to plants and plant products would fall within its protections. This would make it against the law to import timber illegally harvested and obtained in a foreign country. The act would change the way people who are importing harvested timber and wood products do business. That is its intended purpose.

But I will tell you—and then I want to give what additional time I have left to my friend from Tennessee—I commend the wood products sector, particularly the American Paper Association, which has worked so closely with us. As the Forest and Paper Association, as is their formal name, they have worked diligently with us to

make sure the many wood products firms that have worked responsibly in this area can be supportive of this legislation. I am grateful to them for their support and the many environmental organizations that have joined with us.

I see my friend from North Dakota and my friend from Minnesota are here as well. With their leave, Mr. President, I yield whatever time I have to the cosponsor of this legislation, I thank him, and we can conclude our remarks with Senator ALEXANDER.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Oregon. He has pursued the illegal logging issue in his usual way, with a lot of persistence and in a bipartisan way as well.

If he has not already done so, I will ask unanimous consent to list the 22 cosponsors of the Combat Illegal Logging Act he has helped to recruit, and I thank him for including me as a part of this bill. It is important to the great Northwest and it is important to the Southeast, where we have large paper companies, but it is also important to conservation and to the rule of law in our country.

The Senator from Oregon made a point that is maybe the central point here when he compared our efforts to stop illegal logging to our efforts to stop the bringing of illegal drugs into the United States. We all know the tremendous amount of effort we go to, for example, to keep cocaine out of the United States. We send millions of dollars to Colombia and to other countries and we try to stop that. But the real problem we have is we are a big, rich country, and there is a big demand for cocaine here. So no matter what we do in the other countries, the cocaine still keeps coming in, and the same with other illegal drugs. Here we have a chance to make a much bigger difference than we can with illegal drugs. We still are creating the demand problem. This is a country that accounts for 25 percent of all the wealth in the world. It is a country that perhaps buys a huge volume of illegal timber from around the world. Well, we can stop that. This is not a drug addiction, this is a business practice, and it is a practice we can stop according to the laws of this country. When we stop it, we will make an enormous difference for our country and for the other countries.

Let us be absolutely clear. We are talking primarily about the laws of other countries. We are not talking about imposing American laws on other countries. We are simply saying if you violate the laws of any other country in the world, you can't bring those logs into the United States without violating a criminal law here. If this big economy says that to the world, we will make a dramatic difference in illegal logging.

As the Senator from Oregon said, it is an estimated \$1 billion a year in depressed prices and reduced exports. It depresses prices \$500 million to \$700 million annually. It means the people who play by the rules in the United States are having money taken from them by criminals who don't play by the rules in other countries, with the rules set by other countries; not by us, by other countries.

There are other ancillary benefits—climate change, for example. There is a lot of talk about that here in the Senate. We are all looking for ways to deal with that. It may be expensive to deal with, it may be inconvenient to deal with, but some estimates are that 20 percent of climate change is caused by deforestation. According to the World Bank, illegal logging accounts for 10 percent, or \$15 billion, of the world timber trade. So if we are able to slow down illegal logging in other countries, we will be making an inexpensive contribution, from the American taxpayers' point of view, to dealing with climate change, and at the same time we will be putting money in the pockets of those who work in this country in the timber and timber products business.

This is a rare intersection of the rule of law, of good conservation practices, and of keeping jobs in the United States.

I salute the Senator from Oregon for his leadership, and with his permission I ask unanimous consent to have printed in the RECORD the "Dear Colleague" letter which he and I sent to our colleagues, resulting so far in 22 Members of the Senate cosponsoring the Combat Illegal Logging Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 17, 2007.

DEAR COLLEAGUE: We are writing to ask you to cosponsor S. 1930, the Combat Illegal Logging Act of 2007. This bill enjoys the support of a very broad coalition that includes members of the U.S. forest products industry, conservation community and organized labor, and has already received bipartisan support from many of our colleagues.

Illegal logging is a criminal activity that often circumvents a nation's legal process and halts efforts to establish good governance—by going around a nation's law and relying on corruption, bribery and theft. It destroys ecosystems, contributes to carbon emissions, harms often poor and rural communities, and forces American businesses and workers to compete against inappropriately low-cost forest products made from illegally sourced fiber. Illegal logging costs the U.S. forest products industry an estimated \$1 billion per year in depressed prices and reduced exports, and contributes to ongoing mill closures and job losses.

The Combat Illegal Logging Act changes the incentives that drive trade in illegal timber. This legislation will raise the risks for illegal trade without harming legal trade and will be an important step toward leveling a playing field currently stacked against the U.S. forest products industry and importers and retailers committed to trading in legal wood products. Furthermore, it will also bring the power of the U.S. market

to bear on fighting the illegal logging problem and will reinforce work being done with U.S. tax dollars to improve governance in forest-rich developing countries.

Organizations endorsing this bill include: American Forest & Paper Association, Center for International Environmental Law, Conservation International, Defenders of Wildlife, Dogwood Alliance, Environmental Investigation Agency, ForestEthics, Friends of the Earth, Global Witness, Greenpeace, Hardwood Federation, International Brotherhood of Carpenters and Joiners of America, International Brotherhood of Teamsters, Natural Resources Defense Council, Rainforest Action Network, Rainforest Alliance, Sierra Club, Society of American Foresters, Sustainable Furniture Council, The Nature Conservancy, Tropical Forest Trust, United Steelworkers, Wildlife Conservation Society, and the World Wildlife Fund.

We'd be glad to furnish additional information, or your staff may wish to be in touch with Michele Miranda with Senator Wyden at 4-5244 or LaTonya Miller with Senator Alexander at 4-7198 if you would like to cosponsor this important legislation.

Sincerely,

RON WYDEN,  
U.S. Senator  
LAMAR ALEXANDER,  
U.S. Senator

Mr. ALEXANDER. The value of this letter is to highlight the organizations endorsing the bill, ranging from the American Forest & Paper Association, to Defenders of Wildlife, to the Friends of the Earth. That is pretty good company in which to be.

Again, I thank the Senator from Oregon. I hope very much that the Senate will agree to this amendment. It may seem like a small step, but it will put money in the pockets of American workers. It will help with climate change. It will uphold the rule of law in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I rise this evening to urge the White House to back away from their threats to veto the farm bill that is presently before the body. I think the White House would be much better advised to wait until congressional debate has concluded before making any final judgments on this bill.

In fairness, it should be pointed out the veto threat that came out of the White House today was not from the President. It is very interesting what did come out. This is the staff of the President saying, if the farm bill were sent to the President's desk, they would recommend to the President that he veto the bill.

Now, all of us know the dance that goes on in Washington on major legislation, and we all know this is negotiating leverage for the conference committee to come when the differences are worked out between the House and the Senate. So that is what is really going on.

The fact is, this farm bill is fiscally responsible. It helps our Nation's farmers and ranchers. It promotes new sources of energy, reduces our dependence on foreign oil, enhances conserva-

tion, and improves nutrition. But it does it in a way that is paid for and is within the budget.

I saw that some administration sources were asserting that there is somehow \$36 billion of extra money in this bill. That is truly a concoction, \$36 billion. Let's be clear. This bill costs \$288 billion. The baseline is \$280 billion. In other words, if we were just to have the same farm bill for the next 5 years as we have had for the past 6 years, it would cost \$280 billion. This bill costs \$288 billion. That is an \$8 billion difference, not a \$36 billion difference.

Why do we have more money than the current farm bill? Because the world has changed. We are trying to adjust the farm bill to deal with the new reality. What is that new reality? There is an energy opportunity for America, and this farm bill attempts to seize that opportunity. What is the opportunity? It is the chance to reduce our dependence on foreign oil.

Here are some key facts to remember about the bill. It is a 5-year bill. Its costs beyond 5 years will be determined in the next farm bill. So when the President's people take the 5 years of this farm bill and then extend it and look at its 10-year cost, that is not this bill. This bill is a 5-year bill. It is fully paid for. It complies with pay-go. It does not add one dime to the Nation's debt.

In fact, it cuts commodity title payments by \$7.5 billion over 5 years. Those are the provisions that have drawn the most fire. It tightens payment limitations and eliminates loopholes. Notably, it ends the three entity loophole that has allowed some operators to effectively double their Government payments, and it begins direct attribution, requiring that Government payments be directly attributed to an individual.

The farm bill also keeps commodity program outlays which have been singled out for criticism in the media below CBO's August 2002 baseline, the baseline used in drafting the last farm bill. In other words, we can expect farm bill commodity program costs to remain below the level anticipated when the last farm bill was drafted.

This is what the last farm bill projected would be the cost of continuing those provisions. That is the red line. Here is the projected cost of the new farm bill, far below what the estimates were when the last farm bill was written. In other words, if we look at commodity programs, those are actually only 14 percent of this farm bill, commodity programs, but it seems to be the area that draws the most controversy.

But somebody apparently has not informed the administration or the White House that if you extend the Congressional Budget Office's baseline for commodity programs and compare it to this farm bill, this farm bill is well below what the last farm bill would have cost if it had just been simply extended.

So there are real savings. Over the next 5 years we can see the total farm bill outlays, including baseline farm spending, and this new farm bill will make up only 1.9 percent of total Federal outlays. In other words, this is the current bill we are working on now.

If you look at the total of Federal outlays, and you look at what this farm bill will cost, total cost is 1.9 percent of total projected Federal outlays during the period. The last farm bill was well over 2 percent. So as a share of Federal spending, agriculture's share is going down, and the commodity provisions that are so controversial are going down significantly.

In the last farm bill, commodity programs cost less than 1 percent, three-quarters of 1 percent of total Federal spending. But in the new farm bill that will be down to one-quarter of 1 percent. Still people complain. My goodness, I do not think they have any idea what they are talking about. I really do not.

The total farm bill has shrunk as a share of the total Federal budget. Commodity programs have shrunk dramatically as a share of the total Federal budget. It is worth noting that the cost of extending the 2001 and 2003 tax cuts dwarfs the funding in this farm bill. In fact, when shown on the same chart, the 2007 farm bill funding is barely visible.

This farm bill funding is fully paid for. It is ironic that some of the same people who complain about the farm bill funding are calling for the far more expensive extension of the 2001 and 2003 tax cuts without paying for a dime of it. And they are trying to talk about being fiscally responsible.

Look here. The President wants to extend the 2001 and 2003 tax cuts. Here is what that costs. Here is what extending the 2007 farm bill funding is.

There is no comparison. There is just no comparison. So if we are talking about being fiscally responsible, let's get real.

In addition, when I say this bill is paid for, it is just not my claim, this is the assessment of the Congressional Budget Office. They have analyzed the bill. They say it is fully paid for. In fact, they say: In the 5 years of the bill, there is a savings, when everything is taken into account—the spending, the offsets—that we have \$61 million left over from 2008 to 2012, \$61 million to the good. So there is not one penny added to the deficit or the debt as a result of this farm bill.

The administration has claimed this farm bill includes tax increases. That is wrong. This bill does not include tax increases. It does include loophole closers that have very strong bipartisan support. For example, it would codify the economic substance doctrine prohibiting businesses from using certain tax avoidance schemes. It revokes tax benefits for leasing foreign subways and sewers. I know this is hard to believe, but there are actually companies and individuals who are reducing their

U.S. taxes by buying foreign sewer systems, depreciating them on the books for U.S. tax purposes, and leasing those sewer systems back to the European cities that built them in the first place.

Does anybody consider that a tax increase? I do not. I think it is cutting a tax loophole. It increases penalties for failure to file correct information returns, and it denies deductions for certain fines and penalties. I do not consider any of those tax increases.

Let's go to the next slide because I want to rivet the point. One of the ways of paying for the farm bill, or at least a part of it, is to shut down this scam. This is a picture of a European sewer system. And you do have to wonder, what has a European sewer system got to do with the American farm bill? Well, one of the things we found is, some companies and some wealthy individuals are actually buying sewer systems in Europe, depreciating them on the books in the United States to reduce their tax burden, and then leasing them back to the cities that built them in the first place.

Now, I know this sounds too fanciful to be true, but it is true. And it does not apply just to sewer systems. We have people who are doing this with European city halls. They are buying European city halls, depreciating them on their tax bills here, and then leasing them back to the European cities that built them in the first place. That is just a scam. So we are shutting down that scam. I do not think that is a tax increase. I think that is shutting down an abusive tax loophole.

The fact is, we actually cut taxes in this bill. Here are the tax cuts that are provided: \$7.3 billion for conservation, including a tax credit for farm land, and a conservation reserve program, \$2.5 billion for energy initiatives, including a tax credit for small producers of cellulosic fuel, and \$800 million for agriculture and rural areas.

Tax relief. That is what is in this bill. Tax relief. But it is paid for. The entire bill is paid for. The administration has also complained that this bill contains sunsets. I would remind my colleagues this is a 5-year bill. And some of the programs, if we would extend them, would go on for more than 5 years. But we do not have unlimited means, so we have had to cut things off. What does that mean? That means when they write the next farm bill, those things are going to end unless somebody finds new money or savings to pay for them. That is how we always write legislation.

We cannot determine what is going to happen 10 years from now. This is a 5-year farm bill. Over the 5 years, this is the point I want to make: This bill is fully paid for. There is no budget point of order against this bill. None. This bill fully complies with pay-go. The only difference between this bill and simply extending the current farm bill is we have added less than 3 percent for energy initiatives to reduce our dependence on foreign oil and for cer-

tain conservation measures to further protect our vital resources. Every dime of it is paid for. That is the fact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank the Senator from North Dakota. There has been a lot of discussion about this being a costly bill. It was worthwhile for me to sit here and be reminded again of the nature of this investment, the fact that things we are doing in renewable energy are the future of America. It is not just about taking care of some Minnesota and North Dakota farmers. Every gallon of gasoline we replace with ethanol is less money in the pockets of thugs and tyrants such as Chavez and Ahmadinejad. I thank the Senator from North Dakota. If you recall the last farm bill, there was a lot of discussion about whether the President should veto that. Now we look back and across the board folks are saying that was a good farm bill. That was a bill that in the end cost less. It kept the safety net in place. We moved forward with a new world of opportunities with things such as renewables. So we have this discussion again. I hope we pass this farm bill, and I hope it gets signed.

The farm bill begins by stating its necessity due to the fact that "the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricultural and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure . . ."

This is not the start of the 2007 farm bill. It is an excerpt from the very first farm bill of 1933. When that farm bill was written in 1933, net farm income was only one-third of what it was 3 years prior. Food went wasted in the field, while Americans went hungry because of depressed commodity prices. There was no safety net. It was such a time of crisis that folks from across my State of Minnesota came together with farmers from the Dakotas, Iowa, and Nebraska to protect each other's homes, farms, livestock, and machinery from being taken through foreclosure.

The Senate Agriculture Committee has proven that like minds from these States still collaborate to save the family farm. Today I come to the floor as part of a bipartisan multiregional coalition not just from the Midwest and upper Midwest but from all across this great Nation. On the Ag Committee, we came together under the leadership of Chairman HARKIN and Ranking Member CHAMBLISS and my friend from North Dakota, Senator CONRAD, to build a stronger food safety net for working families, an ag safety net for farm families. Over the next

several days, the U.S. Senate will have the responsibility to pass a farm bill that will ensure Americans can meet the bare requirements of human subsistence.

In today's world, relentlessly focused on the future, it can be difficult to reach back into the past and conceive of a time before food stamps, conservation programs, and a farm safety net. It doesn't seem possible that in this country hunger was widespread, massive clouds of dust roared from State to State, and farmers couldn't make enough money from their crops to even make harvest worthwhile. Yet our past bears witness to these struggles. Since these difficult years, Congress has struggled to perfect the omnibus legislation we call the farm bill.

In 2007, with the bipartisan bill produced by the Senate Agriculture Committee, I believe we move closer yet to our final goal of crafting a smarter, stronger safety net. As the Ag Committee has labored over the last several months to build this bill, I have worked with my colleagues from both sides of the aisle to secure a number of priorities for my State of Minnesota. This bill not only strengthens the farmer safety net but helps meet the food security challenges of America's low-income families, makes a bold commitment to renewable fuels, and boosts investment in renewable fuels and conservation.

As the ranking Republican on the Nutrition Subcommittee, I am proud of this bill's efforts to assist those Americans dealing with food security issues. This bill now provides an additional \$5.3 billion in funding for nutrition programs, such as stamps and the emergency food and assistance program, TEFAP. The Food Stamp Program, which assists over 260,000 Minnesotans, will be significantly strengthened. We will stop inflation from creating greater benefit erosion in the Food Stamp Program and encourage savings among low-income families. During the markup, I fought to bring the bill's funding for TEFAP, which provides valuable resources to our food banks and homeless shelters, up to the same levels as the House bill. We have found the funds to meet this need, providing an additional \$10 million a year.

If you believe everything you read in the editorial pages, you might conclude that this bill funds farmers at the expense of the poor, but that isn't true. Nutrition spending now makes up over 66 percent of the farm bill, while we have found in the Ag Committee \$7.5 billion in savings in the commodity title. These savings come from programs that cost \$22 billion less than was expected when the 2002 farm bill was passed. My colleague from North Dakota has laid that out. This is a bill wherein the commodity program baseline is lower than the estimate of the 2002 bill. This is a bill where the percent of dollars that goes to farms as a percentage of Federal spending is substantially lower than in the 2002 farm



bill. Meanwhile, we manage to preserve the basic structure of the safety net for our farmers who feed and fuel this Nation.

For years now as I have driven across the great State of Minnesota, I have been hearing from farmers who have told me the 2002 farm bill worked. Families growing various crops told me we needed to make some adjustments. This bill makes needed updates for sugar, barley, wheat, and soybeans, among others. The bill includes a reauthorization of the dairy safety net, including the MILC Program, restoring it to the 45-percent payment rate. The committee included my proposal to create a farm storage loan program that works for today's farmers.

I proudly support the new permanent ag disaster program we now have, thanks to the leadership of Senators BAUCUS and CONRAD, that will lend farmers a helping hand when faced with natural disaster. The faces of thousands of hard-working farmers I have seen over the years come to mind as I consider the importance of the farm bill safety net. I also reflect on the health of my State's entire economy, the survival of small towns on country roads. In Minnesota, the agriculture and food industry is the second largest employer, with two-thirds of all agricultural jobs being off farm in processing, distribution, supply, and service sectors. We rank fifth nationally in farm exports and lead the Nation in sugar beet and turkey production. All of Minnesota needs a strong safety net for our farmers.

Nationally, the farm safety net is critical to every taxpayer, to every American. First, we all need food. Thanks to our farmers, U.S. consumers spend 10 percent of their income on food, the lowest percentage in the world. For every dollar Americans spend on food, farmers get only 20 cents. Our entire economy benefits. Some folks forget that agriculture employs 20 percent of the U.S. workforce, accounts for roughly 20 percent of the Nation's GDP, and is America's No. 1 export.

Beyond preserving the safety net for rural Americans who work in agriculture, this bill provides significant mandatory funding for key rural development programs to build vibrant rural communities, including \$50 million to rehabilitate small rural hospitals, \$20 million to protect rural drinking water, and provisions to encourage local ownership of ethanol plants.

To revitalize our rural economy, this includes the rural renaissance legislation I worked hard to pass with my colleague from Arkansas, Senator PRYOR, that will provide \$400 million in tax credit bonds to finance rural infrastructure projects such as water and wastewater treatment projects.

I have no doubt Minnesota is similar to Colorado. We have small towns that simply don't have the tax base to do the infrastructure they need. This bill will provide some opportunity to assist

those small rural communities with infrastructure.

Another key to renewing Minnesota's rural communities has been the production of renewable fuels as our farmers work to reduce dependence on foreign oil. In the Ag Committee, we worked to take the next step in helping power ethanol plants with crop biomass and diversifying our biofuels feedstocks to include cellulosic and sugar. All in all, this bill delivers over \$1 billion in additional investment in the energy title. It will also help equip our existing corn ethanol plants with the latest in renewable technologies, with \$422 million for competitive grants and loan guarantees. The future is cellulosic. We know that with corn we can do about 15 billion gallons of ethanol. We consume 140 billion gallons of gasoline each year, projected to go up to 180 billion. Cellulosic is the future. This bill provides a pathway to accelerate us reaching that future.

This bill helps farmers transition to the production of biomass crops. We provide over \$200 million to help farmers with production, harvesting, transportation, and storage costs. I am hopeful one day we will see a cellulosic ethanol plant in Kittson County, MN. This bill will bring us closer to that reality. Meanwhile, this bill includes a sugar ethanol program which I have long advocated. If Brazil can do it, we can do it. They made a commitment in the early 1970s to ethanol. They do it with sugar. They didn't let up to that commitment when oil prices went down. They stayed the course. As a result today, Brazil is not dependent on foreign oil.

We need to have that same commitment, that same persistence. Sugar should be part of it. That opportunity is in this bill.

Finally, I have been concerned that those living near ethanol plants continue to have an opportunity to invest in these renewable opportunities. I am thankful to the chairman and ranking member for including my local ownership amendment to ensure communities continue to hold more of the value created by these plants in their small towns through ownership. On top of all these investments, this bill still manages to include the single largest investment in conservation this Nation has ever seen. Specifically, the bill increases funding for major programs such as the Wetland Reserve Program, the Conservation Stewardship Program, and the Grassland Reserve Program, as well as protecting 39.2 million acres allotted for the Conservation Reserve Program.

This bill also includes Open Fields, a critical, voluntary program to encourage property owners to allow public access for hunting and fishing. All in all, the bill increases conservation funding by \$4.4 billion above the current budget baseline, which will mean increased wildlife habitat, cleaner water, and a healthy environment for all of us and it is paid for.

No bill of this size is going to be perfect. But I believe when the sum of these accomplishments is measured, folks will realize what an achievement this is. Of course, some will continue to criticize. Despite including what I consider to be great advances in farm nutrition, conservation, rural development, and energy policy, coupled with dramatic reforms, there no doubt will be detractors who look at this farm bill and cry that more reform is needed. They will argue that money should not go to factory farms. It should go to nutrition, conservation, and energy instead.

As I have traveled around Minnesota, I don't see factory farms. Instead, I meet family after family, such as the Meyer Family in Nicollet County. They let me know how important the farm safety net is to them. They told me the advent of renewable fuels, what it has meant to them in terms of transforming their farming operation, has had the same impact that electricity had for their grandfather. That is the path to hope and opportunity we are on. That is the path this farm bill fosters. I wholeheartedly agree this farm bill should invest more in nutrition, conservation, and energy. This bill makes remarkable strides in these areas. In fact, nutrition spending will grow to represent two-thirds of the bill's total spending. I also believe we need to reform to prevent nonfarming millionaires from getting farm payments and close loopholes to get around payment limitations. Ted Turner and Scottie Pippen should not get farm subsidies. This bill closes the loophole. It succeeds in doing that by the most aggressive farm payment reforms to date, by lowering the adjusted gross income limit from \$2.5 million to \$750,000 by 2010, while eliminating the three-entity rule and commodity certificate loopholes. No one wants multimillionaires to be getting farm subsidies. This bill says that doesn't happen.

Again, some critics will say reform is not enough. I urge these folks to talk to Senator CHAMBLISS, talk to my colleague from Arkansas, Senator LINCOLN. Ask them how tighter restrictions under the banner of reform will throw a disproportionate burden on their farmers, rice farmers and cotton farmers who have a greater cost of production for cotton and rice than in other regions of the country. Farm bills are about achieving broad bipartisan compromise for the good of the American people. This bill meets that standard and deserves this body's support.

I finish by asking my colleagues to take a look at the frescos that line the corridors of the hall of columns next time they find themselves on the House side. Written near the top of one of the walls, there is a quote by Carl Sandburg that reads:

Whenever a people or an institution forgets its hard beginnings, it is beginning to decay.

The Senate must not forget this Nation's struggles on the farm and on the

dinner tables before our farm and nutrition safety nets existed. We cannot afford to forget how far our farm bills have come since 1933. We have come a long way over the last 75 years in building a thriving agricultural economy, responsible conservation policies, and responsive nutrition programs. I urge my colleagues to join me in supporting this farm bill, which builds on the steady gains agriculture has made and continues the economic prosperity it has fueled.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I rise to add my remarks to this debate on the Food and Energy Security Act of 2007. I see our chairman of the committee in the Chamber. I wish to say a personal thanks to him for his leadership and hard work, along with his staff, who worked diligently through the committee process to really come together.

My colleagues, including Senator COLEMAN, who is on the committee as well, working with others—Senator CONRAD has been here—those of us on the committee have worked so hard to come up with a compromise, a bill that is practical and realistic but also actually exhibits reforms that many people have been asking for. But the bill also moves forward in a progressive way, a way I think Americans can be proud in the values and the priorities we set. So as a member of our Senate Agriculture Committee, I am extremely proud of the product our committee has produced.

A lot of time and energy was put into the committee bill to ensure we maintain the blessings we have here in American agriculture. Staff and the members worked hard to come up with a good compromise, a compromise that respects and appreciates the diversities across our country and the great wealth and bounty of what our Nation has.

The farm bill does many other good things. Several of my colleagues have already touched on those. Our investment in nutrition, conservation, rural development, and energy programs has been dramatically increased. All of these things will benefit our country greatly.

As one of the cochairs and cofounders of the Senate Hunger Caucus, I find it very important that we focus, through this bill, on nutrition. I hope others do, and I hope they are willing to look for resources we need to make sure we pay for that, that we are serious about nutrition, and that we are going to continue to work on that. My faith requires me to look after the poorest among us, and I am very pleased the committee bill provides an additional \$5 billion increase in programs targeted at reducing food insecurity among our children and our elderly, among our low-income and those who are in need.

Conservation is a big part of this package as well. The chairman has

been a tireless advocate for conservation programs. I am pleased that once again he has produced a bill that is progressive in this area. It ensures that we are the best stewards of the land we possibly can be and that we will leave our children the environment they deserve.

Having grown up on a farm myself and recognizing that my dad, as a farmer, was one of the greatest conservationists I could ever meet—he was conscientious with the way he handled his land. He knew it would be there for future generations if he took good care of it. He also knew if he took good care of that land in the current, it would produce the crops that would provide for our family. So conservation is an essential part of who we are as Americans. What is exhibited in this bill is a step forward—a large step forward—in a very progressive way of how we have invested in conservation.

Rural development is also well represented in this bill. Again, growing up in rural America, it is so important to see the investments, whether it is investments in small businesses and entrepreneurs. The broadband effort we have made here is incredibly important.

I have a gentleman who bought property in Arkansas to retire on. He was not going to move there for another 10 or 15 years. When he realized his business actually could access three major cities across this country and access those cities through the technology he needed to use, he decided to move to Arkansas ahead of time, ahead of retirement, because it was a place he wanted to be.

The outmigration we have seen from rural America has been caused largely because of a lack of opportunity. In rural development, we provide not only many of those tools to help development, help entrepreneurs and small businesses grow their businesses, but we provide for communities to invest in their infrastructure so it will be a desirable place for people to build their businesses and raise their families. That is important.

Reducing dependency on foreign oil is absolutely critical, and we know that as a nation now. We see the passion in Americans for wanting an alternative and renewable energy source. In this bill, we have the beginnings, particularly of making sure that not only we lessen our dependence on foreign oil but we do so in a way that is good for the environment. It provides an additional marketplace for our producers with their commodities.

We have a win-win in this situation, with all of these things we have brought together in this bill. Yet many of them are new programs over the last couple of decades in terms of the farm bill in our outreach. It is essential that we recognize the investment we are making in this bill and that we do not tarry in getting it passed and that we make again the assurances to hard-working families, both on the family

farm as well as in rural America, that we do believe in them, that we do believe as a government in investing in who they are, what their values are, and the contribution they make to the fabric of this country.

Most importantly, to me, as the mother of twin boys, the farm bill does something we should all be very proud of: It ensures our Nation, the working families of this country, and the children of this Nation, a safe and affordable domestic supply of food and fiber. We are the envy of the world in how we can do that. Not only do we do it most efficiently and effectively, we do it by keeping the cost of our food per capita the lowest of any developed country in the world. We do it with respect to our environment. It is the envy of the world. Many of my colleagues and most, if not all, of the media seem to take that for granted when we bring up this bill. It is something we should never lose sight of in this debate. As a mother, when I go to the store and I know and can see what it is I am purchasing, knowing those crops and those food sources—domestically produced—can ensure for me a quality food source and sustenance of life for my family, that is unbelievable—again, the envy of the world.

We look at what comes out of the media. One day they are reporting about the dangers our Nation is facing with unsafe food entering the country or the atrocities of outsourcing jobs, and the next day they are on the front page of the news criticizing farm programs that keep production agriculture here at home and level the disparities in global agricultural trade that U.S. farmers face abroad. The markets out there are not that open to certainly the commodities we grow in our region of the country.

But we are a diverse nation. Our crops are different in each region of the country. For that reason, we have several different programs to support individual commodity needs. In the Midwest, with corn, sugar, sugar beets, and fruit and vegetable producers, they enjoy several different programs outside our traditional farm programs to provide them the support they need to continue producing right here at home. They are different programs than my growers would probably access, and they have different rules for those programs. With sugar, we limit the access for foreign competition into the U.S. market. For corn, we provide several different provisions in law that support those producers, in addition to traditional commodity programs. We mandate a market through the renewable fuels standard. We provide a tax credit for blenders, and we protect ourselves from foreign competition to give this industry a chance to grow and an opportunity to reduce our dependency on foreign energy.

In other States across our country, in fruit and vegetable regions of our country, in addition to the nearly \$3 billion worth of incentives for this industry,

we provide a planting restriction to limit competition from producers of other commodities.

Oftentimes, we are told in the South: Why don't you just grow something else, something different that may be less difficult or less of a problem in the international trade market? Well, in many instances, we are unable to do that because of planting restrictions. But I am proud of the recognition of this diversity, and I am proud to have supported these initiatives tirelessly on behalf of the hard-working farm families in other regions of the country.

I have also fought hard to ensure that American agriculture gets the respect it deserves in the world marketplace because, as the budget chairman pointed out yesterday with his now famous charts, the world market for our farmers is not free or fair. My message is simple: We should meet our global competition, and we should not unilaterally disarm our farmers in the global marketplace.

The unfortunate reality is that our global agricultural competition is heavily subsidized, and their markets are closed to agricultural goods that my State particularly produces. We have to fight hard for the small bit of market access our crops need in those other countries and in those trade agreements. As a result, we have grown our operations to create an economy of scale that allows us to be competitive. If we are not careful, with the tighter payment limits, we are going to make our producers of staple commodities such as rice less competitive internationally. As I have pointed out, rice and cotton face much greater international competition than any of the other commodities we are discussing in this bill.

So our point, with these commodities we have and what we face in that global competitive marketplace, is: Yes, our program might need to be just a little bit different, kind of like the sugar program or the corn program and the supports they need. I did not invent the global subsidies in agriculture, but I am committed to ensuring that the Senate helps our farmers meet the global competition.

Working with both Chairman BAUCUS and Senator GRASSLEY on the trade aspects, through the Senate Finance Committee, and the Office of the USTR, we are going to continue the fight. I am going to continue to fight to ensure that global access is there for us. As we do that as a nation, I think it is our responsibility and duty to provide the support programs our farmers need. To not do so will simply result in an outsourcing of our food supply and our jobs in rural America.

Within the WTO negotiations, we have asked our trading partners to reduce their subsidies and their tariff levels on U.S. agricultural products. What we have said is that we will come down further and faster on our subsidy programs, on our support programs.

But the response from the rest of the world has been abundantly clear to us: No, thank you, America. We don't want to bring down our subsidies. We don't want to bring down our supports. We want you to. But, no, thank you very much. We are not going to do that. You go right ahead. You lower your subsidies, and we will simply hang on to ours.

Here at home I have heard some of my colleagues and mostly media outlets that have said we needed to lower the caps on programs. Well, guess what. The committee bill does just that. It lowers the overall cap from \$360,000 to \$100,000.

I have also heard we needed to address the loophole that has allowed producers to avoid the caps. The committee bill does just that. It eliminates both of the loopholes most frequently cited—the three-entity rule and the generic certificates.

I heard we needed transparency, so the committee bill—yes, the committee bill we bring before this Senate—adds direct attribution, which will track payments directly to an individual farmer. Now, let me be clear. This is only for traditional, what we refer to as “program commodities,” not sugar or dairy or ethanol. They will not have direct attribution. But in this bill we provide direct attribution for the traditional program commodities. As I pointed out, those programs operate in a slightly different fashion to provide support to their farmers because we have a lot of different farmers in different regions around this great country.

I heard we needed to disqualify millionaire nonfarmers, those who are walking around Fifth Avenue or Hollywood. So in the committee bill we do just that. We move the adjusted gross income means test from its current level of \$2.5 million to \$750,000.

Now I notice my colleague NORM COLEMAN bringing up celebrities such as Scottie Pippen. But the fact is, Scottie Pippen won't be affected, because most of those individuals—or certainly a large amount of them—are reported because of their conservation payments. These are contracts they enter into with the Federal Government for contracts on conservation, putting their land into conservation. Many of them will have an adjusted gross income above that level, but they will still be listed and they will still be getting their payments, because they have entered into that contract. We don't put an AGI means test on the conservation program. I think that is important for people to understand. Those people very often are not getting program payments; they are getting conservation payments.

My sincere hope is this will all be seen as what it is. It is a good-faith effort on my part and the members of the Agriculture Committee—all of the others on the committee—to address concerns and to recognize this is the most significant reform in the history of our

farm program. We have made a tremendous progressive effort on the issues that are important to people, both reform as well as nutrition programs, conservation, energy, renewable energy. Now we have some time, it seems, to discuss what this farm bill does and doesn't do.

I am appreciative of this time, because throughout my career I have tried to look after family farmers and to respect the needs of farmers in every region of this great country. I have tried to do that first and I have tried to assist them in providing our Nation and the world with the bounty they do. It is something we far too often take for granted, the blessing of living in this country, knowing there is an affordable, abundant, and safe supply of food and fiber for the people of this country. We in this country are fortunate. We are fortunate to have this bounty. I am not going to let anyone in this Chamber forget it. I am not going to allow anyone to send this bounty to some foreign land never to be seen again in this country, to outsource the opportunity that hard-working farm families in this country have to do what it is they want to do most and what they do most effectively, and that is to provide this country with that safe, affordable, and abundant supply of food and fiber.

I look forward to the discussion ahead of us. I have to say if there is one unfortunate thing I find in all of this discussion, it is that there are those people who would choose to misrepresent the facts. When they misrepresent the facts, it breaks down the process. It breaks down the process from what is real. What is real is those of us on the Agriculture Committee who have come together in good faith to produce a bill that makes sense; something everybody can support and that respects people all across this country. My hope is we will continue this conversation, and that those who choose to misrepresent the facts can be countered or at least corrected, and those of us who want to work hard to come up with something that makes sense, that we can continue to do so. I look forward to that debate. I look forward to working with my colleagues. Senator GRASSLEY and Chairman BAUCUS are here on the floor. They have done yeoman's work on behalf of farmers across this country, and I look forward to continuing to work with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I know it is my turn to speak, but out of deference to Senator BAUCUS who is negotiating on the Children's Health Insurance Program, I ask unanimous consent that he go before me, and then I ask that Senator TESTER would follow him, because I don't want Senator TESTER to have to sit around and listen to me. Then I ask unanimous consent after those two, I be the next in line.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WRDA

Mr. BAUCUS. Mr. President, I thank my very good friend from Iowa. Senator GRASSLEY is a true gentleman and I deeply appreciate the courtesy he is offering me, as well as my colleague Senator TESTER.

A few moments ago, the House voted to override the President's veto by a vote of 361 to 54—361 to 54—clearly overriding the President's veto on the WRDA bill. I stand here today asking the Senate to do the same. We too should have a very strong vote to override the President's veto. If the House can vote to override, certainly the Senate can too.

This conference report, as we all know, provides authority for the Army Corps of Engineers to move forward on many very long overdue water resource projects. Let's not forget the West's battle with drought and the coasts' recurring struggles against Mother Nature's harsh storms that highlight the pressing need to address our water resource needs. I saw a very alarming article not too long ago, 2 or 3 weeks ago, about the effects of climate change and global warming. It is not just the ice sheets melting and the coastlines rising; there is also increased drought—increased drought in the Southeast and in the Southwest, especially the Southwest. It is tough enough for my part of the country where the average precipitation is about 13 inches a year. That is all it is. I think in Washington, DC, the average precipitation is around 40 inches. In the northern high plains States where we desperately need these projects, the annual precipitation is again about 13 to 14 inches a year. We need help.

I must say too it is important to keep in mind that since 1986, Congress enacted legislation known as the Water Resources Development Act, otherwise known as WRDA. Every 2 years since then, Congress has received a WRDA bill from the administration, seeking authorization for water resources projects. These requests provided the Corps and local sponsors with a regular planning schedule.

It is kind of like the highway bill. We have people in our country—the highway bill clearly is the contractors and the States—some ability to plan for the future. That is why we have 5- or 6-year bills. The same is also true with the Water Resources Development Act. We need to give some sense of predictability and some sense of certainty to people so they can plan for projects, in this case the Corps.

I must say, however, that the administration has not requested one update of the program—not one—since the year he has been President. So the question is, Why? Why has the President not suggested an update in the program? Well, according to the President, this is not a priority. He says the Congress is not being fiscally responsible. I have to disagree. He is not accurate. Why? Well, one reason is the

costs in this legislation reflect an accumulation of projects that need to be authorized because we have not had a WRDA bill for over 6 years. It stands to reason that if we haven't had an authorization for over 6 years, clearly the costs are going to go up a little bit.

Investing in our water infrastructure is a cost we cannot afford to put off. I submit it doesn't make any sense to turn our backs on all of these water projects because otherwise they continue to crumble, they continue to erode, and it does not make a lot of sense. In fact, many people are worried about America's competitiveness, and I am one who thinks we do not pay enough attention to our infrastructure; that is, if we are going to compete in the future, we have to have strong highways, we have to have a power system, a telephone system, and we need to have a very good water resource system. We have to get water where it is needed because if we don't, there are going to be huge costs not just in the immediate term but also in the long term.

It is very important that this legislation, in my judgment, pass. There are several projects in this bill in the State of Montana, my home State. One is the Yellowstone River and Tributaries Recovery project, and another is called the Lower Yellowstone project at Intake, MT; third, the Missouri River and Tributaries Recovery project; the Upper Basin of the Missouri River project, and a riverfront revitalization project in Missoula, MT. These projects will all improve and protect our valuable water resources.

The old saying about whiskey and water: You fight over water. Whiskey is for drinking, water is for fighting over. It is because water is such a precious and valuable resource.

There is also an important authorization for a very important project in my State of Montana, and that is the rehabilitation and improvement of an aging water project we call the Hi-Line. If you look at the State of Montana, it is a highway that goes across northern Montana. We call it Hi-Line. It is as though we are high above the Earth because we go across northern Montana and up there, there is something called the St. Mary Diversion. It is a Federal project built years ago. It is a mess. It is dilapidated and crumbling. I have been up there not too long ago. I have been up there a couple of times. I am embarrassed that the U.S. Government has not kept up the system, not kept up the operation, and not kept it going. I am embarrassed and I feel bad, and in fact I am angry that half of the people in the area—it is an Indian reservation as well, and a lot of people have moved off the reservation, and we have to address this. This legislation does address it. It is very important. Without it, I might add, the Lower Milk River, which falls out of the Diversion, would go dry 6 out of every 10 years. Without this St. Mary Diversion, the Milk River would go dry 6 out of every 10 years.

That is 60 percent of the time. This affects thousands of Montana families.

If you have been up on the Hi-Line, if you have been on the Milk River, you will get a sense and a feel for how valuable this is. It is our lifeblood. The President might not think these projects are a priority. I certainly do.

This conference report authorizes projects that will provide needed flood and storm damage protection, as well as a lot of navigation improvements and a lot of environmental restoration. There is also authority here that is so important for rebuilding and restoring the coast of Louisiana devastated by Hurricanes Rita and Katrina, and authority for modernizing the lock and dam system on the Mississippi River, and authority for ecosystem restoration projects from New Jersey to Florida to Colorado—all vitally important.

The 1986 comprehensive WRDA bill was enacted after a 16-year deadlock between the Congress and the executive branch. The deadlock we see today between the Congress and the President is about priorities. What are our priorities? What are America's priorities? What are the priorities of our country? The Congress has set priorities and enacted this legislation. The American people clearly value—and it goes without saying—the water resources of our country and our need to invest in them. The American people see this as a priority.

Again, the conference report passed the Senate by a strong 81-to-12 vote, clearly enough votes to override a Presidential veto, and the House voted moments ago very strongly to override the President's veto 361 to 54. So let's not delay any longer. Let's get this conference report enacted with a very strong vote and override the President's veto. We already did it in the House. Let's do it in the Senate when the time comes—I think it is tomorrow—and then we can get on with developing these projects, and we can be very proud of doing something in the Congress that is very worthwhile.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I want to say a few words about this farm bill. Before I start, though, I thank Senator GRASSLEY for allowing me this time to speak. I certainly appreciate his hospitality.

This farm bill is one of the most important pieces of legislation we will vote on this year. Along with the members of the committee, I thank Chairman HARKIN and Ranking Member CHAMBLISS for their hard work on this bill in committee. This farm bill just doesn't affect farmers and ranchers and folks who need nutritional assistance; it impacts all Americans and it ensures that food in this country is secure.

Our agricultural policy has created the most dependable and affordable food system in the world. Americans have incredible choices at the grocery store. We have high quality and safe

food, and our supplies and prices are stable. What makes this stability possible is a comprehensive farm bill that helps set national priorities, keeping our family farms and ranches productive and food on America's tables.

I bring a different perspective to the farm bill than a lot of my colleagues. I am a third-generation farmer. My wife and I farm the same land my grandparents homesteaded nearly a century ago. I have spent a lifetime with my hands in the dirt, and I know how difficult it is to get by in production agriculture, especially in these days. I am proud that Sharla and I are passing that same farm down that my grandparents homesteaded to the fourth generation of our family. If this bill is vetoed as the President has promised, many families won't have the option to pass their farm down, because over the next 5 years, many of them will go broke.

American agriculture is facing very difficult challenges, such as skyrocketing land prices, aging populations in rural America, and the high cost of fuels and fertilizers. The changing global marketplace creates more uncertainties for our producers and challenges when our so-called free markets sometimes come with a high price. America's family farms and ranches have a lot on the line right now. They also have tremendous potential. This farm bill provides new opportunities for rural America.

America's farmers and ranchers can be leaders in energy production as they are leaders in food production. For years, Montana, especially farm and ranch country, has adapted to our Nation's growing energy needs.

The folks who put food on America's dinner tables also have tremendous opportunity in contributing to this country's energy independence through biodiesel, cellulosic ethanol, and wind power—just to name a few.

That is good news for rural America, it is good news for our pocketbooks, and it is good for family agriculture.

In Montana, an oil-seed crop called Camelina is being used for biodiesel production. It grows on marginal soils, takes few inputs and doesn't need a whole lot of water. This year Montana started its first biodiesel facility—this farm bill will help this facility get off its feet and supply this country with much needed energy. I hope this plant is the first of many.

We have only scratched the surface of our energy potential—and this farm bill could really tap into it. This bill will put the necessary resources into the production of biofuels, and more incentives for rural wind power projects.

Many folks may not know that the farm bill is perhaps our largest conservation program. Our farmers and ranchers are stewards of the land and are constantly working to improve their operations to reduce their impact on the environment.

This bill strengthens our working lands conservation programs to help

make our farms and ranches productive and protected.

This bill will finally implement mandatory country-of-origin labeling. May I say it is about time. In Montana, we passed a country-of-origin labeling law in 2005. It is time we implement it at the Federal level.

Whether it is the t-shirt I wear, the truck I drive, or the toy I buy for my grandkids, I can tell where it was made. It only makes sense that we know where our food comes from, too.

COOL is good public policy. Americans deserve to know where their food comes from, and implementation of mandatory country-of-origin labeling is long overdue.

Part of adequate labeling is the ability for our producers to market their products. I am happy to see that this farm bill will allow for the interstate shipment and sale of beef. Montana has some of the best beef in the world and smaller producers should be able to market their safe, healthy, quality products across State lines.

I don't like shopping all that much—but it is even worse here in Washington. The lines are too long and the prices too high. But I will tell you what, it sure would put a smile on my face to see a t-bone on the shelf with a "Made in Montana" stamp on it.

We hope to include in this bill permanent ag disaster assistance. I hear that some of my colleagues don't think this is the best way to protect family farm and ranch businesses but as a farmer I strongly support this measure.

I know what it is like in the good years when you have a crop to put in the bin. And I know what it is like to have no crop. Whether it is hail, drought, floods, grasshoppers, or any other disaster, we need to make sure that our farmers and ranchers are protected. This is a real safety net that will help family farmers get by when disaster strikes.

This disaster assistance program has strict requirements on who may receive assistance and will only help those farmers who have taken steps to mitigate their risk. This program will provide the predictable and consistent safety net that our family farmers and ranchers deserve.

This farm bill makes great strides in acknowledging the importance of organic agriculture in our food system. Organic foods have been growing at a rate of over 20 percent a year for 20 years. This bill offers money for research dollars to support organic agriculture. And it will provide funds to help family farms—if they choose—convert to organics so that U.S. farms can meet the needs of this growing market.

Organic agriculture is really a value-added program. It allows farmers and ranchers to find ways to increase the profitability of their products by consumers driving the marketplace.

As far as nutrition is concerned, of course, the farm bill has a tremendous impact on the underprivileged segments of our society.

The people who use these programs aren't lobbying our congressional offices, or sending thousands of letters, or using influence with the media to shape public policy. They are our children. They are the elderly. They are young, single mothers working two jobs. They are disabled veterans who need nutritional assistance until times get better.

In Montana, nearly 20 percent of our children live below the poverty line. Each month, more than 80,000 Montanans seek assistance through the food stamp program; 20,000 seek supplemental assistance through the Women, Infants, and Children program. Out of a total population of just under a million people this is a big impact on our State.

Montana also has some of the lowest unemployment rates in the country. We have good schools and college participation. We just can't always make ends meet where there is high cost of living and low wages. These nutrition programs are just the help folks need until they can get on their feet.

In the wealthiest, most-advanced society in the world, no person should go hungry. I am glad that this farm bill has made long overdue increases to our food assistance programs.

This farm bill is something that our Nation can be proud of. It strikes a balance between our different regions, and different interests. It does not have everything we want, but it has what we need.

This is a farm bill that meets the needs of this country's family farmers, and it takes great strides in helping families with a more realistic nutrition component.

Mr. President, I know firsthand how important this bill is for America's producers and America's consumers. This is mainstream, bipartisan legislation that was crafted and passed out of the Ag Committee without a dissenting vote. The farm bill is too important for anyone to obstruct, or to delay, or to play political games with.

American consumers, from all walks of life, living paycheck-to-paycheck, depend on this farm bill. American producers, in every corner of this country, living harvest to harvest, depend on this farm bill.

The Senate needs to debate and pass this legislation, and the President of the United States needs to sign it.

**THE PRESIDING OFFICER.** The Senator from Iowa is recognized.

**Mr. GRASSLEY.** Mr. President, I rise to speak to the amendment that is before the Senate—the Dorgan-Grassley amendment—on payment limitations; in other words, limiting the amount of money that one farming operation can get from a farm program in a specific year.

The second reason I come to the floor is to address the issue of the President's suggested veto of the farm bill because it contains tax provisions that, presumably, the White House does not like.

I would like to give a justification for the provisions that are in this bill. I think everybody in this body would agree we need to provide an adequate safety net for our family farmers. In recent years, however, assistance to farmers has come under increased scrutiny. The largest corporate farms are reaping the majority of the benefits of the farm payment program. These payments were originally designed to benefit our small- and medium-sized farmers but instead have contributed to the demise of the small- and medium-sized family farmers. I believe we need to correct our course and modify the farm programs before those programs cause further concentration and consolidation in agriculture.

Today, most commodities are valued off demand, and the market dictates profitability. When farmers overproduce by planning for the farm program or expand rapidly because of the security of those programs, then the markets are not functioning. Unlimited farm payments have placed upward pressure on land prices and have contributed to overproduction and lower commodity prices.

I am going to refer to a series of charts that I have. Increased land prices and cash rents are driving family farmers and making it difficult, particularly for young farmers, to get into family farming—something that is probably there because for generations families have been farming sometimes the same land.

For instance, in Iowa, you can see how the value of farmland has very dramatically increased, particularly very recently. Around my hometown of New Hartford, IA, land is selling somewhere between the poor land at \$4,000 an acre and the very best land for \$6,000 an acre. In my home county of Butler, the value of an acre is up 64 percent since 2000. Across the entire State of Iowa, the average land value per acre rose 72 percent just in the last 6 years.

You will see from the next chart that the average typical cash rent per acre in Iowa rose 25 percent in that same timeframe. So you can legitimately ask, how are family farmers, particularly young farmers who cannot buy land and who have to rent land, going to survive when they have had such a rapid increase in either the price of land, on the one hand, or cash rents on the other hand? How are they even going to be able to get into farming for the very first start?

I have been hearing directly from producers for years what former Secretary Johanns heard in the series of farm meetings. I think either the Secretary, or his staff, had well over 100 hearings on proposed farm legislation prior to—well, during the years 2005 and 2006. So I have heard what Secretary Johanns has heard in his farm bill forums: Young farmers cannot carry on the tradition of farming because they are financially unable to do so because of high land values and cash rents.

What does all this have to do with farm programs? I am going to quote a famous and well-known Midwestern agricultural economist, Dr. Neil Harl, now emeritus. He came out with a report on this subject. He is and was at Iowa State University. The report states:

The evidence is convincing that a significant portion of the subsidies are being bid into cash rents and capitalized into land values. If investors were to expect less Federal funding—or none at all—land values would likely decline, perhaps by as much as 25 percent.

So here we have an article from last year's Washington Post, when the Post did a series of articles on the disparity that farm program supports are causing. They reported:

The largest farms' share of agricultural production has climbed from 32 percent to 45 percent, while the number of small and medium-sized farms has tumbled from 42 percent to 27 percent.

I assume the printing on the chart is so small that you will have to take my word for it that is what it says. The law creates a system that is clearly out of balance.

If we look at the results posted here, we have a system where 10 percent of the biggest farmers get 73 percent of the benefits from the tax-supported farm programs. Worse yet—or more extraordinary, I should say—the top 1 percent get almost 30 percent of all of those payments. I tend to concentrate on the top 10 percent of the biggest farmers getting 73 percent. But I think this other top 1 percent of—how do you say it—the big farmers, the top 1 percent are getting 30 percent of all of the benefits out of the Treasury. So we are back where we were 5 years ago.

This body passed as part of the farm bill, by a vote of 66 to 31, putting limits on farm payments. Well, it didn't survive a House-Senate conference. Senator DORGAN and I were working together then, and here we are back 5 years later. The farm bill is up for reauthorization, and we are filing an amendment that, I believe, will help revitalize the farm economy for young people across this country.

This amendment that Senator DORGAN put before the Senate this morning—actually, Senator REID did it for Senator DORGAN—will put a hard cap on farm payments at \$250,000. No less important, it will close the loophole that has allowed large operations to avoid even the existing \$360,000 limit and, as a result, receive benefits far exceeding the limit.

If I could say that another way, we have a situation where we do have caps in place, but there is legal subterfuge to get around those caps. One of them is the three-entity rule—split up your farming operation into three entities, and each one of those could qualify for that \$360,000 limit.

The other one is where generic certificates are used. Those are not included in the limit. So that is why you read where some farmers are getting

millions of dollars through the farm program.

We use the adjective, hard cap; \$250,000 is the absolute limit. We do away with the legal subterfuge of getting around the cap to make it so it works and so it is effective.

I have another article by the Washington Post from last year outlining the ongoing abuse of farm support programs. It is entitled "Farm Program Pays \$1.3 Billion to People who Don't Farm." We are paying \$1.3 billion to people who are not actively engaged in the business of farming. Senator DORGAN spoke better about this last night and this morning and gave better examples than I can on that point. We have examples of people who live on land collecting direct payments because a commodity was once grown on that land. Any agricultural use, including having a horse on that land, qualifies them for a direct payment, even though they are not even growing a crop.

Our bill addresses these problems by doing away with the loopholes people have abused over the years to continue to get the payments. I have already referred to the three-entity rule. We also put in place a system we call direct attribution. Most importantly, we tighten up what is already in the law but not enforced by the U.S. Department of Agriculture, that you have to be "actively engaged" in the business of farming.

I wish to make a very clear distinction. Some Members of the Senate have advocated that the Dorgan-Grassley amendment is not as tough as what is in the Senate Agriculture Committee bill before us. I wish to explain why that is not true.

I have another chart. We have to compare apples to apples. Saying the committee has a hard cap on payments at \$200,000 is not accurate. They only have a hard cap on two categories of payments: direct payments and countercyclical payments. The Dorgan-Grassley amendment actually caps those at \$100,000.

In addition, my amendment will cap marketing loan gains at \$150,000, while the committee bill before us that the Dorgan-Grassley changes leaves the marketing loan unlimited in the amount of money you can get through the marketing loan.

This actually weakens current law, and if you can believe, after all the bad publicity about 10 percent of the biggest farmers getting 72 or 73 percent of the benefits out of the farm program, why, the Agriculture Committee might write a bill that actually weakens current law. But I wish to make clear our bill at \$250,000 is a hard cap, and it is more effective in taking care of this issue of the biggest 10 percent getting 73 percent of the benefits.

I anticipate there will be other votes on other types of reforms, including even means testing, also known as the adjusted gross income limit. I wish to make sure my colleagues are aware



that an adjusted gross income cap and a hard cap on payments are two very different things and each should be looked at and considered individually.

Back in 2002—and I referred to this before, that Senator DORGAN and I have been working together—back in 2002, I voted against the farm bill out of conference committee. A lack of payment limits in that bill because it was lost in conference, the Senate position was lost to the House position, was one of my reasons for voting against the bill.

I have been fighting to reduce large-scale subsidies since I was a Member of the House of Representatives in the 1970s. Then we were, believe it or not, arguing over a \$50,000 limitation.

Our amendment produces some considerable savings. Senator DORGAN and I have identified very critical and essential programs to help producers and farmers, small business owners, conservationists, and low-income people, including seniors and children. We support beginning farmer and rancher programs and the Rural Microenterprise Program. These programs are crucial to bolstering young farmers and to helping main streets across America.

It will also provide funds for the organic cost-share program and the farmers Market Promotion Program. These growing components of our food supply system will create new opportunities for farmers and increase healthy food options for our consumers.

A large priority of mine has always been seeing justice for Black farmers—discrimination cases brought against the USDA, but not everybody eligible got in on it. This amendment puts some money, double the amount provided by the committee, in for late filers under the Pigford consent decree for farmers who haven't gotten a chance for their claims to be heard. It is time to make it right for these farmers who were discriminated against in their attempts to get help from the Federal Government in farming.

We also support the Grasslands Reserve Program and the Farmland Protection Program with additional dollars. Conserving our natural resources is one of the most important components of agriculture, and this investment will make a substantial difference in the availability of these programs.

Finally, while the Agriculture Committee makes significant contributions to the nutrition and food assistance programs, they were not able to go far enough due to tight budget constraints. So Dorgan-Grassley adds money to this program so it can be adjusted for inflation and other nutrition priorities to assist low-income seniors, as well as children.

I worked with Senator DORGAN on a similar measure, as I have said for the third time, in 2002, and it passed with bipartisan support by a vote of 66 to 31. Unfortunately, it was stripped out of conference. My colleagues might remember the last time we had a vote on payment limits was on the budget reso-

lution. Many of my colleagues said they agreed with what we were trying to do, but they voted against us at that particular time because they said doing it on the budget resolution in the middle of a farm bill authorization of 5 years was not the right time. Everybody said it needed to be done the next time the farm bill came up for debate.

Well, that time is right now, and I ask those who maybe thought it shouldn't be done on the budget resolution a couple years ago to remember what they said. They came up to us individually and said: We agree with what you are trying to do, but it shouldn't be in the middle of the farm bill reauthorization, and it shouldn't be done on the budget resolution. The inference was they will be with us at the right time. The time is right now, or within the next 24 hours, when we vote on this amendment.

I remind this body that in addition to what was said by our colleagues at that particular time, in the last farm bill, we set up, as supposedly a sop for those of us who didn't get what we wanted in payment limitations out of conference 5 years ago, a commission on the application of payment limitations for agriculture.

This commission was set up, and for a couple years they studied this issue. The purpose was to conduct a study on the potential need for further payment limitations on farm programs. The commission met. Farmers, agricultural economists—I can't think of everybody who was on it, but they knew the business of agriculture. This commission recommended the very same loophole-closing measures which we included in this amendment that is now before the Senate. Those people who thought they threw us a sop or some sort of a compromise that we ought to accept a commission instead of the real hard change in law to accomplish what we wanted to accomplish, that we would have people study it and then give some respectability to it, or maybe they thought we would forget about it and go away 5 years later, we haven't forgotten about it; we haven't gone away.

We are taking the recommendations of this commission that was set up to say what we ought to do in the area of payment limitations, and we are doing exactly what they said. We not only have the promise of those people who said it shouldn't be done on the budget resolution, we have the recommendations of all these experts of how it ought to be done, when it ought to be done, and why it ought to be done. It is for all those reasons that we have Dorgan and Grassley back again suggesting what we thought should have been done 5 years ago. If it had been done 5 years ago, we wouldn't have this problem of 10 percent of the biggest farmers getting 73 percent of the benefits out of the farm program.

There are several problems connected with that situation. One, when urban people read about this, they are going to say: Why do you need a farm safety

net if all the help is going to biggest farmers? So we lose urban support. We lose support of a farm program in the House of Representatives controlled by urban people, and we don't have a farm safety net, and family farmers don't have the ability to withstand a lot of situations that are beyond their control. We also have a situation where we drive up the price of farmland so the next generation of farmers cannot get started. But also, we depart from the principle of a farm safety net of the last 70 years that was supposed to be directed to medium- and small-sized farmers, the very same people who produce the food we eat in a way so consumers spend less of their income on food than any other society anywhere on this globe, and to keep them strong when they cannot withstand natural disasters or the politics of agriculture or a war or energy problems. They don't have the staying power, but the larger farmers do.

For 70 years, we have directed the benefit of a farm program, until very recently, to small- and medium-sized farmers. How it gets out of whack so we get 10 percent of the biggest farmers getting 73 percent of the benefits of the program is hard to explain. But it has happened, and we are trying to get back to the original purpose of farm programs to help small- and medium-sized farmers over the hurdles they have to cross, through no fault of their own, situations they cannot control, that larger farmers have the ability to have a little more staying power.

So here we are. By voting in favor of the Dorgan-Grassley amendment, we can allow young people to get into farming and lessen dependence on Federal subsidies. This will help restore public respectability for Federal farm assistance by targeting this assistance to those who need it the most.

So let us quit dragging our feet and let us pass real reform with a real payment for real farmers. I call upon my colleagues to support this common-sense legislation that is referred to as Dorgan-Grassley.

I told you, Mr. President, in my opening remarks that I wished to address a second issue as well, directly related to the farm bill, but including some issues that are a little bit broader than the farm bill, and that deals with the tax policy.

Remember, a very significant part of this farm bill is tax policy that we in the Finance Committee—Senator BAUCUS, me, and the other 19 members of the committee—set up that are directly related to soil conservation and drought relief, and we raise revenue to pay for it. In the process of this broad policy, we have freed up money the Agriculture Committee would otherwise spend on a lot of programs, such as disaster relief and conservation, so the Agriculture Committee would have a little more leeway to do what needs to be done in farm policy, and that is directly related to the fact that under the budget adopted by this Congress,

we find the Agriculture Committee \$15 billion under benchmark, and that is a big bite to swallow with the needs in American agriculture. So we have come up with, in the Finance Committee, a little bit of help for the Agriculture Committee.

As recently as yesterday, the President, or his people, have suggested because of the tax policy that is in this bill, they might veto the whole farm bill. I want to tell the President why that is a crazy idea—a crazy idea—so I will take the time to comment, then, on the revenue raisers that are in this farm bill.

The revenue raiser is a proposal to clarify a judicial doctrine in the tax law known as the economic substance doctrine. I am here not so much to justify revenue raising through this definition of economic substance, but I am here to say there are four circuit courts of appeal in different parts of the country that have had four different decisions on economic substance and each has said Congress ought to define economic substance. So as far as I am concerned, in putting economic substance in here, it is not just to raise revenue and to have an offset for the programs we have set up, it is for Congress to do the job of making the Tax Code on economic substance clear so the courts are not defining it, and most importantly so that four different courts aren't defining it in four different ways. We need to have some certainty, and this bill brings that certainty to the definition of economic substance.

But before I get into that, I have to be a little more general. For a lot of folks, this proposal may sound like an esoteric tax policy matter, and they might wonder why I am focusing on it today. The reason is the White House has indicated the President will veto the farm bill if this proposal is included in the bill sent to the President's desk.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post article reporting on the President's suggested veto of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Nov. 6, 2007]

BUSH VOWS TO VETO SENATE'S FARM BILL

(By Dan Morgan)

The Bush administration, setting the stage for another confrontation with Congress over a major spending measure, issued a veto threat yesterday against the Senate version of the \$288 billion farm bill.

The announcement came as a disappointment to bipartisan Senate supporters, who had hoped the farm legislation avoided some of the pitfalls that prompted a similar veto threat this summer against a House-passed version.

But in a news briefing held as Senate debate began yesterday, acting Agriculture Secretary Charles F. Conner charged that the five-year legislation had been inflated by \$37 billion through the use of "tax increases and budget gimmicks."

"It will need significant changes. . . . We have a long way to go," he said. Conner said details of the administration critique will be issued shortly in the hope that they "will impel Congress to work with us."

Despite the enormous congressional popularity of the bill—which funds farm subsidy programs, food stamps, environmental programs and biofuels research—the administration believes it can sustain a veto by rallying Republicans against tax provisions used to fund some of the new outlays.

Conner charged that the bill's funding depends on \$15 billion in new taxes and added that "we don't believe other sectors should pay" so that farm subsidies can go to "millionaires living on Park Avenue."

Most House Republicans voted against that chamber's version of the bill in July after Democrats offset new spending on nutrition programs by tightening tax rules on U.S. subsidiaries of foreign companies. Democrats said they were merely closing a loophole, but Republicans and the White House branded it a tax increase.

The Senate version, which includes a new \$5.1 billion fund that farmers could tap when hit by weather losses, would be financed in part by a different set of measures clamping down on tax-avoidance techniques used by business.

Conner also said the bill contains too little reform of subsidies. He said the administration is dissatisfied that the bill does not place stricter limits on subsidy payments to rich farmers.

Mr. GRASSLEY. The title of that article is: "Bush Vowed to Veto Senate's Farm Bill."

Before I discuss the specifics of the economic substance doctrine, I wish to put this revenue raiser in context. We have heard a lot about pay-go. That is short for pay as you go. If you want to spend money, either raise taxes to offset it or cut someplace else to offset it. Or if you want to cut taxes, raise taxes someplace else to pay for it or cut spending someplace else to pay for the tax decrease. But around here we use the term pay-go for short.

Now, of course, pay-go was in place for many years before the current policy was put into place after a few years of absence. The difference is the old version of pay-go applied it as a backstop to a budget resolution. So if a proposal spent more than the budget permitted and added to the deficit, a pay-go point of order was possible. Likewise, if a proposal to cut taxes more than the amount of the revenue the budget assumed would come in, pay-go would apply.

This year Congress is struggling because a rigid notion of pay-go has hamstringed the committees—meaning every committee of the Congress that processes revenue or spending policies. The rubber has hit the road with pay-go here, more so at the end of the session than throughout the rest of 2007, and it has been a somewhat bumpy road for all of us. Of course, I think this road is even going to get bumpier as time goes on between now and Christmas.

As everyone knows, Congress has a lot of unfinished business. I am going to focus on the unfinished tax business. I have a chart here I want to point to. It is a chart I have used before. This chart shows the unfinished tax busi-

ness that has got to come before the Congress between now and Christmas. It accounts for all the bills we passed out of the Finance Committee. It also accounts for the expiring provisions that are known as tax extenders. The biggest item of the revenue loss chart is the alternative minimum tax and the fix for that alternative minimum tax so 19 million additional middle-income taxpayers and their families are not paying the AMT. You see all of those various aspects listed there separately—the 2007 AMT fix, 2008 AMT fix, 2008 extenders, the Energy bill that has already passed the Senate, the airport reauthorization bill, and then eventually we will spend some time on the farm bill. But you can see they add up to a heck of a lot of money.

Since we are in the 2008 fiscal year, I have included then extenders for 2008 and also carrying a fix for AMT for not only 2007 but 2008.

This chart accounts for the revenue loss from the farm bill package that is there at \$13 billion. My chart shows the revenue loss side as demands on the water well there. It is at the top of the well in the bucket what the shortfall is there. There are a lot of thirsty bills that have to be paid for. Those thirsty bills carry a revenue loss of \$170 billion over 5 years.

I have accounted for the revenue offsets. This figure includes all revenue raisers proposed by Senate Democrats that are specified and scored by the nonpartisan Joint Committee on Taxation. That figure includes \$32 billion from the Finance Committee-approved proposals and \$29 billion in other proposals. That total is \$61 billion. That is what we know for sure that has been thought up and probably has a great deal of support to accomplish.

This offset figure is calculated from the vantage point of the Senate Democratic leadership. In this total are proposals that House Democrats have opposed, such as shutting off the foreign subway leasing tax shelter, known as SILOS. In this total are proposals that most Senate Republicans have opposed, such as the reimposition of the Superfund taxes. In this total are many proposals that even the Bush administration has come out against.

Now with this favorable assumption to them, the pay-go advocates in the Senate need to know that as we stand here today, there is not enough known revenue to meet the pay-go requirements that are on this chart that obviously have to be dealt with between now and Christmas. In other words, the demands on the revenue well are \$170 billion, and the available revenue raisers are only \$61 billion. So that is a shortfall that is clear there, in the middle of the well—a shortfall of \$109 billion. In other words, the revenue well is dry.

Now, \$109 billion is a lot of money even here in Washington, DC. If the proposals are scored over 10 years, that shortfall does narrow slightly, from \$109 billion down to \$76 billion, and it is

possible that some of the revenue raisers in Chairman RANGEL's bill may be pursued by the Senate Democratic leadership. But as it stands now, for unfinished tax business alone, by this accounting, we cannot meet the requirements that the Senate must meet that we call pay-go.

I point this out because everybody has to see this big picture. They seem to be missing the big picture on how we wrap up our overdue legislative business and meet the demands of the new pay-go rules. On the farm bill alone, my chart treats the farm bill as fully offset. My chart is created from the perspective of the Senate Democratic leadership, and so it shows the farm bill as offset. That is the way it is as it came out of the Senate Finance Committee.

The problem is that President Bush's opposition to the key revenue raiser is not accounted for in this chart. President Bush's position does matter. His opposition to any revenue raiser, but specifically this one, would have to be overcome with a veto override. As my friends and the Democratic leadership know, that happens to be a very tough hurdle, as we have found out, for instance, on the Children's Health Insurance Program recently before the House of Representatives.

My point is it is time to get practical around here. This chart of the water well shows that as we sit here today, looking at it from a Senate Democratic leadership perspective, the revenue well is dry. To insist on pay-go without a sense of realistically available offsets is trying to go up a blind alley. I say to my Democratic friends: At this late point in the legislative session, let us focus on what is practical. Let us apply the offsets we can agree to and in a manner we can agree on. We need to get to a posture of what can be agreed to by the House, by Senate Republicans, and by the White House. The AMT fix is the 800-pound gorilla in this discussion. It is \$55 billion of the \$109 billion shortfall. It affects 23 million families and could affect adversely another 27 million families. The AMT fix is long overdue. It needs to be completed expeditiously.

To address this important matter solely from a pay-go perspective is to ignore the realities that it needs to get done. Republicans are ready, Republicans are willing, and Republicans are able to help get this AMT fix done, and done very shortly, but for many reasons I have discussed all year, not at the price of offsets.

I will now go into the reasons why clarification of the economic substance doctrine is an appropriate revenue raiser and why it is basic to this farm bill before us, because it is a part of the farm bill; and why the President is crazy to use that as an excuse for vetoing the farm bill.

The provision made the Finance Committee package revenue neutral, raising \$10 billion over 10 years. But I support codification of economic sub-

stance not just to raise revenue—although it does that, and it is important that it do that because otherwise we would not have our provisions offset, according to pay-go. As ranking member of the Finance Committee, and even when I was chairman in the last two Congresses, I have supported codification of economic substance because it is the right policy. This provision is an improved version of a provision that passed the Finance Committee and the full Senate in the last two Congresses.

The prior version was included in two bills passed by the full Senate in the 109th Congress, twice in the tax reconciliation bill, once in 2005 by a vote of 64 to 33, and again in 2006 by a vote of 66 to 31. It also passed the full Senate two times in the 108th Congress, once in the 2003 tax bill by a vote of 51 to 49 and again in the 2004 JOBS bill by a vote of 92 to 5.

This Senate is acquainted with the need to codify economic substance for us to do our job of making the Tax Code understandable so you do not get four different circuit courts of appeal giving four different definitions to economic substance. We ought to have one national policy on what is economic substance. Codifying it will clarify the test. It is a conjunctiva test requiring both a meaningful change in economic position and a business purpose, independent of Federal taxes. The courts are split on whether a transaction must have both economic substance as well as business purpose. This will give courts, then, a uniform doctrine to apply to noneconomic transactions that are inappropriately motivated solely to avoid Federal taxes—in other words, closing loopholes.

It will also ensure that a court will not overturn the doctrine, as a trial judge did in what is called the Coltec case, saying:

The use of the economic substance doctrine to trump the mere compliance with the Code would violate the separation of powers.

That judge—I don't have to say that judge was crazy because the court of appeals reversed that judge's decision. But I am still concerned that another strict constructionist judge might reach a similar conclusion. Most important, codifying the economic substance doctrine will provide an additional deterrent against taxpayers entering into transactions solely for tax purposes, in ways that are inconsistent with congressional intent.

As I said earlier, this provision is an improved version of what has already passed the Finance Committee and the full Senate more than once. So this Senate agrees with economic substance. But maybe Senators have forgotten how they voted 2 and 3 and maybe 5 years ago, so I am here to remind them this has been overwhelmingly accepted by the full Senate.

This improved version has modifications made in response to concerns of taxpayers that codification would throw legitimate tax planning into question and allow the IRS to sub-

stitute its business judgment for that of the taxpayers. I am going to talk about those modifications so people understand, and all these lawyers in this town who are concerned about our writing this, that they know we have taken some of their legitimate concerns into consideration.

For instance, the strict liability nature of the penalty has been retained in order to effectively deter taxpayers from entering into tax-motivated transactions in unintended ways. Indeed, according to the Joint Committee on Taxation, the bulk of the revenue score is attributable to this strict liability penalty—not because the IRS will collect the penalty but because people are going to start obeying the law and change their behavior. The penalty will alter taxpayer behavior. It will cause taxpayers to forego entering into noneconomic, tax-motivated transactions that Congress never intended.

We have heard complaints that a strict liability penalty will cause IRS field agents to overreach and courts to be reluctant to apply the doctrine. These are serious concerns, and we have addressed those concerns by requiring the IRS to nationally coordinate through the Chief Counsel's Office when the penalty is asserted and/or when it is compromised. This procedure is similar to a process currently used by the IRS to designate cases for litigation.

As a protective measure, taxpayers will be permitted to make their case to the IRS at the national level before a penalty is asserted. Of course, cases involving the economic substance doctrine should be going through Chief Counsel anyway, and taxpayers currently have the ability to persuade the IRS not to assert a penalty. But because of the strict liability nature of this penalty, it is important to formalize this process and move it to a higher level of review.

Getting the Chief Counsel's Office involved earlier in this controversy will help taxpayers and the IRS resolve or make litigation decisions regarding tax shelters earlier.

We have also lowered the penalty for undisclosed transactions from 40 percent to 30 percent to bring it in line with the penalty on undisclosed listed transactions.

The proposal to codify economic substance has been controversial, even though it has passed the Finance Committee and the full Senate in the last two Congresses. Taxpayers and practitioners expressed legitimate concerns about it. We have addressed those concerns—maybe not in the way everybody wants, but I think we have done it in a responsible way.

As a general matter, in my tenure as chairman of the Finance Committee before we went into the minority this year, I am proud to have kept taxes down. During my tenure, we enacted bipartisan tax relief bills that totaled over \$2 trillion over 10 years. So for

critics who look at any change in the Tax Code, regardless of how legitimate it is, even regardless of not doing it for revenue-raising measures—they look at everything and say: You are changing the Tax Code; you are raising taxes—I am here to tell them on this issue of economic substance how ridiculous that is. So for the critics of this revenue raiser, I would refer them to my record of keeping taxes down.

By the way, for those on the liberal side of the political spectrum, I point out, as a percentage of GDP, the Federal Treasury is taking in a percentage that is above the post-World War II average.

Codifying the economic substance doctrine should be considered on its merits. It should not be dismissed because it scores as a revenue raiser. It should not be endorsed either because it scores as a revenue raiser. In my view, it should be enacted because it is the right tax policy. Folks need to take off the bean-counting green eyeshades and look at the tax policy.

The same goes for the long overdue AMT fix that I have talked about. It is not about maximizing Federal revenues. It is about fair taxation for 19 million middle-income families.

I am done, Mr. President, but I want to digress for one minute for the benefit of faceless bureaucrats down at the White House. I want to talk to those people who maybe were advising the President, and they put it in his veto message, that one of the reasons he was vetoing the Children's Health Insurance Program is because our bill allowed families earning up to \$83,000 to have their children in a government program—when quite obviously most people making that kind of income can have health insurance. What I have said to those very same people who put that in the President's message is it was not in our bill; that States could do that. That has been in the law for 10 years. But nobody pointed that out to the President. Some stupid person said to the President: This bill allows people with \$83,000 to get it. It didn't have anything to do with that. It was in the law for 10 years.

I want those faceless bureaucrats to read why we are doing economic substance. It is about time Congress does its job and the courts don't do the job we are supposed to do. Four circuit courts of appeal have defined and found fault with various aspects of economic substance. They said it is time for Congress to define it.

Yes, it is a revenue raiser, but it is not one of these changes in tax policy that is a change in rates of taxation that you can legitimately call tax increases. But somebody down there at the White House is telling the President this is a tax increase. What we are trying to do is do our job. This cannot be a reason for vetoing the farm bill.

If anybody down at the White House wants to discuss my rationale for this, come up and I will sit down and talk with them, or I will even go down there if they want to talk about it.

I yield the floor. I guess nobody else wants to speak, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, within the past few weeks a series of events has occurred that can help shed light on how tax relief enacted in the past 7 years has impacted the budget of the United States. On September 27, the Senate voted to increase the debt limit so the Treasury would be able to borrow enough to meet our Nation's obligations. At the time, I made a statement that this was necessary. The proper place to take a stand for fiscal responsibility is when we are considering bills that spend money and actually create our debt.

Unfortunately, some of my colleagues believe the only answer to our budget woes is to increase taxes. But I believe this point of view is misguided and would prove destructive to our budget in the long term. Especially over the past 7 years, discussion of an increase in debt limit has prompted excitable statements from my colleagues across the aisle on the current administration's fiscal record. I am sure I do not have to say these statements from across the aisle have not been positive.

Another event I want to mention is the release on October 5, 2007, of the Monthly Budget Review from the Congressional Budget Office. The Congressional Budget Office budget review forecasts that the deficit for fiscal year 2007 would be significantly smaller than the deficit for 2006, and then the Final Monthly Treasury Statement, published by the Treasury Financial Management Service, confirmed that. According to the U.S. Treasury, the Federal deficit for fiscal 2007 was \$162.8 billion. The deficit for 2006, the year before, was considerably higher, at \$248.2 billion. The deficit for 2007 then is around \$85 billion less than it was last year.

The chart I am going to show you, taken from Treasury documents, shows how this decrease in the deficit has been driven by a 6.7-percent estimated increase in total receipts over fiscal year 2006.

If you are determined to show that tax relief has led to less revenue from the Federal Government, then this data is difficult to explain. Of course, the conventional criticism offered against tax relief was that it was going to be directly responsible for massive increases in the deficit. This argument implies that as a result of tax relief, the Federal Government would collect less money in taxes.

On May 23, 2003, the Senate voted to agree to a conference report to accompany the Jobs and Growth Tax Relief

Reconciliation Act of 2003. The vote was close. The conference report was agreed to only because the Vice President cast the tie-breaking vote in favor of the report. Anyone who reviews the CONGRESSIONAL RECORD of that debate would see that the rollcall vote was preceded by a very contentious discussion. Many of my colleagues had very strong criticism of the bill which, among other things, reduced the rates for capital gains and dividends.

Tax policy generally is not seen as something that attracts a lot of excitement, but the floor debate of May 23, 2003, could have given a listener the impression the sky was falling.

This chart of Chicken Little reporting that the sky is falling illustrates the tone of some of the criticism made by my colleagues.

One Senator claimed:

The tax base of the Federal Government is being destroyed.

This same Senator referred to the bill as:

One of the most dangerous, destructive and dishonorable acts of Government that I have ever seen.

Another one of my colleagues claimed that the bill:

Is about helping the elite few with large tax cuts while burdening the majority of Americans with huge debt.

Here again, you see the implication that the 2003 tax relief was going to diminish revenues collected by the Federal Government.

A third colleague claimed:

This bill I call the policy of the three Ds. This is the policy of debt, deficits and decline.

This comment is especially interesting when examining a statement made by this very same Senator on September 27 of this year during the discussion on increasing the statutory limit on the public debt. That same Senator said at that time that:

Revenue has been basically stagnant in this country for 6 years.

According to my colleagues in the Congressional Budget Office, revenues in 2000 were \$2 trillion, just a hair over \$2 trillion, while revenues in 2007 were calculated by the Treasury to be around \$2.12 trillion, taking into consideration inflation.

First, I wish to point out that the word "stagnant" used by my colleague is a far cry from the debt, deficit, and decline that tax relief was supposed to inflict on this Nation. I am not saying we do not have a massive national debt fed by successive budget deficits, but the specific tax relief enacted in 2003 and again within the past 7 years is not the cause of that.

As my esteemed colleague pointed out, even accounting for inflation, the revenues of the Federal Government are projected to be greater in 2007 than they were in 2000. So this certainly shows that our tax base was not gutted by tax relief as was so profoundly asserted by my colleagues.

I also would like to say that I do not think that \$90 billion is a trifling

amount of money. Maybe it is to some people in some places, but it is certainly not for us people, for the Iowa farmer.

To offer a different perspective, let's consider this year's appropriations bills. The Democratic leadership wants to spend \$23 billion more than the President's budget on appropriations. That same group is preparing to force a showdown with the President over that \$23 billion. That is one-fourth of the amount I am talking about here. So when it comes to spending, extra dollars do count, but extra revenue from lower levels of taxation is to be belittled no matter what the number might be. It just sounds so inconsistent.

My excitable colleagues here in the Senate are not the only ones who predicted gloom and doom that never came because of the tax relief in August of 2003. Even the Congressional Budget Office published a document titled "The Budget and Economic Outlook: An Update." The bill reducing rates on capital gains and dividends had become law at the end of May, so the Congressional Budget Office was able to take tax relief into account as they conjured their budget projections. This chart right here illustrates the discrepancy between what was forecast by the Congressional Budget Office in the summer of 2003 and what actually transpired. You can see the red line actual figure is way above the blue line that was suggested by the Congressional Budget Office.

In August of 2003, the Congressional Budget Office projected that the Federal Government would collect about \$1,770 billion in revenue. According to the historical budget data—also from the CBO—revenue in 2003 was actually about \$1,783 billion. That difference is \$13 billion. Now, \$13 billion may be peanuts to some people, but I think it is a good start.

In August 2003, the Congressional Budget Office projected Federal revenues for 2003 to be \$2,276 billion. Actually in 2003, Federal revenues were about \$2,407 billion. The Federal Government collected, then, \$131 billion more in 2006 than was originally forecast in the dark days of 2003, when several of my Democratic colleagues thought that tax relief was poised to destroy our tax base. Revenues actually collected were higher than projected when considered as a percentage of gross domestic product.

In August 2003, CBO projected that revenues in 2006 would be 18.2 percent of GDP. Actual revenues collected in 2006 were more than that—at 18.4 percent compared to 18.2 percent of GDP. In 2005, they were 17.6 percent; in 2004, they were 16.3 percent; and in 2003, they were 16.5 percent. After a small downturn in 2004, Federal revenues, taken in proportion, increased faster than the GDP.

Speaking of its 2007 projection, in an October 2007 monthly budget revenue, CBO states:

Revenues rose to 18.8 percent of GDP, which is slightly higher than the average of 18.2 percent over the past 40 years.

Even with lower taxes, the Federal Government is collecting, on average, a greater percentage of GDP in revenue year by year than it has over the past four decades.

Incidentally, in 2003, CBO projected that revenues would equal 18.3 percent of GDP in 2007.

Next, I want to compare the 4-year period after the 2003 tax relief plan went into effect with the 4-year period after the tax increases were enacted in the Clinton first year, 1993.

The Omnibus Budget Reconciliation Act of 1993, signed into law by the President in August of that year, increased taxes on corporations and individuals while increasing taxes on gasoline and raising the taxable portion of Social Security benefits.

I think this may be counterintuitive to some people, especially to those who believe that the well-being of our Nation is directly proportional to our ability to seize income from taxpayers, but as a percentage of GDP, Federal revenues increased faster after tax relief than they did after tax increases.

To set the stage, in 1993, Federal revenues were 17.5 percent of gross domestic product. In 2003, Federal revenues were a percent less at 16.5 percent of GDP.

By the way, all of these numbers are Congressional Budget Office numbers, and until I get to 2007, they are not projections.

If you look at this chart we are now putting up, you can see that as a percentage of GDP, Federal revenues increased faster in the 4 years after the 2003 tax relief than they did after the 1993 tax increase. Let me emphasize that. Revenues came in faster after we decreased taxes in 2003 than they did after 1993 when we increased the taxes.

For 1997, Federal revenues were 19.3 percent of GDP. Between 1993 and 1997, Federal revenues increased by 1.8 percent of GDP.

Now, in 2007, Federal revenues are projected by the Congressional Budget Office to be 18.8 percent of GDP. If this is the case, then over the past 4 years, Federal revenues will have increased by 2.3 percent, and 1.8 percent subtracted from that 2.3 percent leaves one-half of a percent. The tax relief enacted in 2003 grew Federal revenues by one-half of a percentage point more than the tax hikes of 1993 in the 4 years following each.

I like to emphasize this because I think that it just—too many people see it as common sense that if you raise tax rates, you are going to bring in more revenue; if you lower tax rates, you are going to bring in less revenue. But I just showed that tax increases under Clinton did not bring in as much revenue as tax decreases in this administration. They brought in more revenue. So I would like to disabuse people of the fact that increasing rates brings in more revenue and decreasing rates brings in less revenue.

What is also important is that as a percentage of GDP, revenues were higher in 1997 than they will be this year. In my opinion, they were too high.

The point that I am making is that the rate of change in revenues as a percentage of GDP has so far been greater after tax relief than after a tax hike. I think it is very important, especially for those who reflexively believe that the only way for the Federal Government to raise more money is to confiscate more income from taxpayers. Clearly, that view is false.

To conclude, let me summarize the current budget situation.

Right now, taxes are lower than they would have been under Democratic rule. I want to make it clear that I am not saying that no Democrats supported any tax relief. Some Democrats voted for the 2003 tax relief plan, and many more voted for the 2000 tax relief plan. However, I am skeptical that a Democratic Congress or White House would have allowed taxpayers to keep so much of their own money.

The budget deficit is shrinking, and Federal revenues are increasing. Anyone who finds fault with this situation is determined to do nothing but simply find fault. They would probably be unable to enjoy a sunny day because they would constantly be on the lookout for storm clouds regardless of what the forecast said. There is a problem with debt and with Federal budget deficits, but tax increases are the wrong way to approach that problem.

We have a Federal budget deficit because the Federal Government spends too much money, and the best way to get rid of deficits is to spend less. Consequently, raising taxes makes the situation worse by punishing the overall economy and making conditions more difficult for the economy—the source of Federal revenues—to function efficiently. We have to remember that our economy supports the Government and not the other way around. The budget data I have discussed today shows how we can increase revenues and reduce deficits by removing impediments to economic efficiency and allowing our economy to flourish.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate everyone's patience. The Republican leader and I have been doing our best. Sometimes it is tough to work through the process.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3043

Mr. REID. Mr. President, I ask unanimous consent that tomorrow following

the joint meeting, when we will hear the President of France speak, the Senate proceed to the consideration of the conference report on H.R. 3043, the Labor-HHS appropriations bill, if it has been received from the House; that there be 1 hour for debate divided equally among Senators HARKIN, REED of Rhode Island, SPECTER, and HUTCHISON, and 2 hours for debate under the control of the two leaders or their designees; that following the use or yielding back of time, Senator HUTCHISON be recognized to make a rule XXVIII scope point of order; that Senator HARKIN be recognized to waive rule XXVIII, and the Senate then proceed to debate the motion as under the provisions of rule XXVIII; that if the point of order is sustained, Senator COBURN be recognized to move to suspend the rules, provided it had been timely filed; that there then be 30 minutes for debate equally divided in the usual form; that at the conclusion or yielding back of time, the Senate vote, without any intervening action, on his motion to suspend the rules; that if the motion to suspend is adopted, Senator COBURN's amendment be agreed to and the Senate proceed to concur as stated below; that if his motion fails, then the Senate, without any intervening action or debate, vote immediately on the motion to recede and concur with the further amendment as under the rule; that if the motion to waive is successful, the Senate then vote on Thursday, November 8, on cloture on the conference report as if it had been filed on Tuesday, November 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

##### REAL ID ACT

Mr. LEAHY. Mr. President, when the REAL ID Act was added to an emergency supplemental spending bill in 2005, with little debate or foresight, I believed that Congress had made a mistake. I was not alone, and since that time 38 States have either introduced or passed legislation opposing the law. Seventeen States have enacted laws in opposition. I have joined Senators AKAKA, SUNUNU, TESTER, BAUCUS, and ALEXANDER in introducing legislation to repeal the driver's license provisions of the law and to replace them with the negotiated rulemaking process that had been originally enacted in the 2004 Intelligence Reform and Terrorist Prevention Act. That bill, which REAL ID superseded, was intended to improve the security of State driver's licenses through a cooperative partnership with the States and the private sector.

The Judiciary Committee held a hearing on May 8 of this year to examine whether the REAL ID Act is actually an effective way to improve our security. I agreed with many at the hearing who argued that the REAL ID Act was not an effective way to improve

identity security, and the sacrifices Americans would be compelled to make in their personal privacy were unacceptable. All agreed more could and should be done to ensure the integrity of identification documents, but many cautioned that the REAL ID Act is not the most effective way to do it.

Opposition to the REAL ID Act has been bipartisan and widespread among the States and many Federal lawmakers. In addition to the enormous financial burdens placed on the States, the law raises serious privacy concerns about the Federal Government's interference in a responsibility traditionally left to the State. Proponents of the law proclaim it is not a national ID card. But when the Federal Government begins directing how a State driver's license is issued, what characteristics the card must have, and conditioning access to Federal buildings and airplanes on possession of a REAL ID card, it is difficult to think this is anything but the first, big step toward a national identification card that so many Americans oppose.

But the reality of the dissatisfaction among the American people is catching up with the administration. The Washington Post recently reported that Secretary Chertoff is expected to announce yet another delay for REAL ID's implementation deadline. Secretary Chertoff previously waived the May 2008 compliance deadline and set a new target of 2013 for nationwide compliance. Now Secretary Chertoff will reportedly extend this date to 2018 for drivers who are older than 40 or 50, and officials have said the Government will not bar those not possessing a REAL ID license from Federal facilities and airplanes.

Despite being faced with determined opposition from the States and many Members of Congress, the administration still refuses to reconsider implementation of the law and is ignoring the pleas of the States. Without buy-in from the States and the American people, this program is doomed to failure. Delaying the inevitable by pushing back deadlines is not the way we will improve identity security. Had the negotiated rulemaking provisions enacted in the 2004 Intelligence Reform and Terrorist Prevention Act been left intact, meaningful identity security improvements could already be underway. Unfortunately, instead of addressing the fundamental problems this law poses for the States, the administration appears content merely to prolong a contentious and unproductive battle to force the States to comply. Rather than improved security, this course will result in resentment, litigation, and enormous costs that States will be forced to absorb. The administration would do much better to treat the States as partners and forgo the paternalistic mandates that the American people are rejecting. That spirit of cooperation would result in much greater security than the administration's go-it-alone strategy to force compliance with another ill-conceived policy.

Like the Western Hemisphere Travel Initiative, the REAL ID Act represents precisely the big-government interference the President's party claims to dislike. The American people are demanding that the Federal Government take a second look at the wisdom of charging ahead with a national ID card, and the administration ought to listen carefully to what many have been saying since this law was enacted, before more time is wasted trying to force this unpopular and cumbersome law on the citizens of the United States. I welcome all Senators to join me and the other cosponsors of S. 717 in rejecting the burdensome mandates of REAL ID and advocating for a better system of securing our fundamental identification documents.

#### HATE CRIMES, BIGOTRY AND ANTI-SEMITISM

Mr. SMITH. Mr. President, today I attended a hearing of the Helsinki Commission on the increase in anti-Semitism and extremist political parties in Europe.

I take a deep interest in hate crimes, bigotry, and anti-Semitism. In our society, these issues are mostly restricted to the political fringe. Nobody in this country would gain widespread electoral support for the formation of an explicitly racist party. We are perhaps unique in that respect. In Europe, these parties are not only formed—they are prospering.

Today's hearing did much to highlight the rise of bigotry and discrimination in Europe. A number of experienced witnesses from the U.N., executive branch, and nonprofit sector described the political situation in Europe today, and it is alarming. Across the continent, extremist groups are parading openly and gaining support. In Russia, two thousand supporters of a fascist organization rallied on November 4, the country's National Day, to shout xenophobic and anti-Semitic slogans. Many gave the Hitler salute. This in Russia, which suffered more from the aggression of Nazism than perhaps any other nation in the world.

In Hungary last month, 600 people were sworn in as new members of the extremist, paramilitary "Hungarian Guard," wearing uniforms similar to those of the World War II fascist government. By its own account, the Guard has thousands of applications to join its ranks, at a time when the elected Hungarian government is already unpopular because of its previous deceptive election campaign. This criticism led to widespread street violence last year, creating a tense environment ripe for radicalization. The Hungarian Guard is supported by the rightwing political party Jobbik, which is small but virulent. The Prime Minister of Hungary likened the formation of the Hungarian Guard to the increasing influence of Brownshirts in Hitler's Germany, a comparison which seems to me—at least at an early stage—to be



apt. The Jewish community in Hungary is understandably wary of its new Guard, and I feel it is incumbent upon all of us to watch future events in that country closely.

But it is not just the fringe organizations which are growing in popularity; inch by inch, more moderate groups with the similar tenets are moving to the mainstream. Last month, the somewhat xenophobic Swiss People's Party, SVP, romped to significant success in Switzerland's national election. Perhaps this should not be cause for excessive alarm. After all, Switzerland has a highly developed political system, with a republican tradition dating back hundreds of years. These people are also not marginalized discontents with a perennial grudge on their shoulder; indeed, they seem to address several issues about which the average Swiss citizen is concerned. But if there is not cause for alarm, there is certainly cause for unease. One reason is an election poster used by the SVP, depicting a white sheep kicking a black sheep off of the flag of Switzerland. Because of its racial overtones, the U.N. has already condemned the poster, though the SVP claimed during the campaign the poster was not racist. Perhaps.

I do not believe that the SVP are a fascist party, as some of its critics allege. However, its success is indicative of a potentially ugly mood across the Atlantic, as Europeans born into welfare state luxury are unsure how globalization and the mobility of capital will affect their economic birthright. In uncertain economic times, opprobrium then falls easily on traditional scapegoats; Jews, gypsies, and other minorities. It is critical for the Europeans to remember that these minorities are no less citizens for being different. They lead law-abiding lives, pay their taxes, and serve in the military. It does not thus stand to reason that European societies can treat them eternally as second-class citizens.

Groups like the Hungarian Guard would likely protest that their rigid stance is only aimed at those who become illegal, who commit crimes or threaten Hungary's law-and-order. But given the heated rhetoric on this issue, and the current torrid geopolitical climate, the status of minorities, particularly Jews and Muslims, in Western countries is an issue which needs to be tackled carefully. Many of the current challenges facing the world are rooted in the Middle Eastern and Islamic nations, and it would be foolish to place lives in jeopardy over election-day rhetoric.

Coincidental with rise of the Hungarian Guard and its ilk, there is another factor I find particularly troubling: the increase in overall anti-Semitism in Europe. This has several possible causes, and I certainly do not want to lay the blame solely on the shoulders of rightwing extremists. Passions arising from the Israeli-Palestinian conflict surely play a part, espe-

cially considering the large Muslim population in these countries. But it does seem true that there is still a strain of the old European anti-Semitism running through the Hungarian Guard, Russian fascists, and their like, a disturbing taint which has never quite vanished from European political culture.

Anti-Semitic violence was one of the terrible specters of the last century. After the Second World War, Europeans made a solemn commitment never to let such hatred loose again on their citizens of Jewish faith. Despite neo-Nazi movements in several countries, the European commitment to this resolution has been impressive. It is equally important to remember, however, just how recently was the Holocaust. The slaughter was ended 62 years ago, and many still live who were caught in its vice. In the breadth of human existence, 62 years is barely a lifetime. So I strongly believe it is necessary, even as extremist parties become increasingly visible, that responsible leaders recommit themselves to the eradication of anti-Semitism in their realms.

Uncertain times often lead men to seek the simplest solutions, the elements of their national culture with which they are the most comfortable. Two of these traditions are, unfortunately, extremist nationalism and anti-Semitism. Given the history of Europe, each nation should redouble its efforts to make peace with those in their ranks who are different. And it is also up to Europe to ensure that when they say "never again," they mean it.

#### HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 35 young Americans who have been killed in Iraq since July 23, 2007. This brings to 812 the number of soldiers who were either from California or based in California that have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

Hospitalman Daniel S. Noble, 21, died July 24, as a result of enemy action while conducting security operations in the Dilaya Province of Iraq. Hospitalman Noble was permanently assigned to 1st Marine Division, Fleet Marine Force Pacific, Camp Pendleton, CA. He was from Whittier, CA.

SSG Joshua P. Mattero, 29, died on July 24, in Baqubah, Iraq, when an improvised explosive device detonated near his patrol. Staff Sergeant Mattero was assigned to the 725th Ordnance Company, 63rd Ordnance Battalion, 52nd Ordnance Group, Fort Drum, NY. He was from San Diego, CA.

CPL Matthew R. Zindars, 21, died July 24, while conducting combat operations in the Diyala province of Iraq. Corporal Zandars was assigned to 2nd Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Jaime Rodriguez, Jr., 19, died July 26, in Saqlawiyah, Iraq of wounds

sustained when an improvised explosive device detonated near his vehicle. Specialist Rodriguez was assigned to the 5th Squadron, 7th Cavalry Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Oxnard, CA.

CPL Sean A. Stokes, 24, died July 30, from wounds suffered while conducting combat operations in the Al Anbar province of Iraq. Corporal Stokes was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Auburn, CA.

SPC Daniel F. Reyes, 24, died July 31, in Tunis, Iraq, of wounds suffered from enemy indirect fire. Specialist Reyes was assigned to the 2nd Battalion, 377th Parachute Field Artillery Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK. He was from San Diego, CA.

LCpl Cristian Vasquez, 20, died August 2, from wounds suffered while conducting combat operations in the Al Anbar province of Iraq. Lance Corporal Vasquez was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Coalinga, CA.

SGT Jon E. Bonnell Jr., 22, died August 7, from wounds suffered while conducting combat operations in the Al Anbar province of Iraq. Sergeant Bonnell was assigned to 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Michael E. Tayaotao, 27, died August 9, from wounds suffered while conducting combat operations in the Al Anbar province of Iraq. Sergeant Tayaotao was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Sunnyvale, CA.

SSG Sean P. Fisher, 29, died August 14, in Al Taqqadum, Iraq, of injuries suffered when his helicopter crashed. Staff Sergeant Fisher was assigned to the 1st Battalion, 52nd Aviation Regiment, Task Force 49, Fort Wainwright, AK. He was from Santee, CA.

SGT Matthew L. Tallman, 30, died August 22, in Multaka, Iraq, of injuries suffered when his helicopter crashed. Sergeant Tallman was assigned to the 4th Squadron, 6th U.S. Air Cavalry Regiment, Fort Lewis, WA. He was from Groveland, CA.

SSG Jason L. Paton, 25, died August 22, in Multaka, Iraq, of injuries suffered when his helicopter crashed. Staff Sergeant Paton was assigned to the 2nd Battalion, 35th Infantry Regiment, 3rd Infantry Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI. He was from Poway, CA.

CPL Nathan C. Hubbard, 21, died August 22, in Multaka, Iraq, of injuries suffered when his helicopter crashed. Corporal Hubbard was assigned to the 2nd Battalion, 35th Infantry Regiment, 3rd Infantry Brigade Combat Team,

25th Infantry Division, Schofield Barracks, HI. He was from Clovis, CA.

LCpl Matthew S. Medlicott, 21, died August 25, from wounds suffered while conducting combat operations in the Al Anbar province of Iraq. Lance Corporal Medlicott was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Rogelio A. Ramirez, 21, died August 26, while conducting combat operations in the Al Anbar province of Iraq. Lance Corporal Ramirez was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Pasadena, CA.

CPL John C. Tanner, 21, died August 29, while conducting combat operations in the Al Anbar province of Iraq. Corporal Tanner was assigned to 3rd Assault Amphibian Battalion 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Michael J. Yarbrough, 24, died September 6, while conducting combat operations in the Al Anbar province of Iraq. Sergeant Yarbrough was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG John C. Stock, 26, died September 6, while conducting combat operations in the Al Anbar province of Iraq. Staff Sergeant Stock was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

CPL Bryan J. Scripsick, 22, died September 6, while conducting combat operations in the Al Anbar province of Iraq. Corporal Scripsick was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

CPL Christopher L. Poole Jr., 22, died September 6, while conducting combat operations in the Al Anbar province of Iraq. Corporal Poole was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Marisol Heredia, 19, died on September 7, at Brooke Army Medical Center, Fort Sam Houston, TX, of injuries sustained on July 18, in Baghdad, Iraq, from a non-combat related incident. Specialist Heredia was assigned to the 15th Brigade Support Battalion, 1st Cavalry Division, Fort Hood, TX. She was from El Monte, CA.

CAPT Drew N. Jensen, 27, died September 7, in Seattle of wounds suffered when insurgents attacked his unit using small arms fire during combat operations May 7 in Ba'qubah, Iraq. Captain Jensen was assigned to the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division (Stryker Brigade Combat Team), Fort Lewis, WA. He was from Clackamas, CA.

LCpl Lance M. Clark, 21, died September 7, from a non-hostile incident in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I

Marine Expeditionary Force, Camp Pendleton, CA.

CPL Carlos E. Gilorozco, 23, died September 10, while conducting combat operations in the Al Anbar province of Iraq. Corporal Gilorozco was assigned to 2nd Battalion, 9th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC. He was from San Jose, CA.

SPC Nicholas P. Olson, 22, died September 18, in Muqadadiyah, Iraq, of wounds sustained when an improvised explosive device detonated near his unit during combat operations. Specialist Olson was assigned to the 2nd Battalion, 23rd Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Novato, CA.

CPL Anthony K. Bento, 23, died September 24, in Bayji, Iraq, of injuries sustained when his dismounted patrol encountered small arms fire. Corporal Bento was assigned to A Company, 1st Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from San Diego, CA.

SGT Robert T. Ayres III, 23, died on September 29, in Baghdad, Iraq, of injuries sustained when he encountered small arms fire while on dismounted patrol. Sergeant Ayres was assigned to A Company, 3rd Squadron, 2nd Stryker Cavalry Regiment, 1st Armored Division, Vilseck, Germany. He was from Los Angeles, CA.

SPC Avealalo Milo, 23, died October 4, in Baghdad, Iraq, of wounds suffered when insurgents attacked his unit using small arms fire. Specialist Milo was assigned to the 2nd Squadron, 2nd Stryker Cavalry Regiment, 2nd Stryker Brigade Combat Team, 1st Armored Division, Vilseck, Germany. He was from Hayward, CA.

LCpl Jeremy W. Burris, 22, died October 8, while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Burris was assigned to 1st Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

CPL Gilberto A. Meza, 21, died October 6, in Baghdad, Iraq, of wounds sustained when an improvised explosive device detonated near his unit. Corporal Meza was assigned to the 3rd Squadron, 2nd Stryker Cavalry Regiment, Vilseck, Germany. He was from Oxnard, CA.

SPC Frank L. Cady III, 20, died on October 10, in Baghdad, Iraq, when his vehicle overturned. Specialist Cady was assigned to B Company, 4th Brigade Special Troops Battalion, 1st Infantry Division, Fort Riley, KS. He was from Sacramento, CA.

SPC Vincent A. Madero, 22, died October 17, in Balad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Specialist Madero was assigned to 2nd Battalion, 82nd Field Artillery Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from Port Hueneme, CA.

CPL Erik T. Garoutte, 22, died October 19, in Baghdad, Iraq. Corporal

Garoutte was assigned to 1st Fleet Anti-terrorism Security Team Company, Marine Corps Security Force Battalion, II Marine Expeditionary Force, Norfolk, VA. He was from Santee, CA.

SPC Wayne M. Geiger, 23, died October 18, in Baghdad, Iraq, of wounds sustained when an improvised explosive device detonated near his vehicle. Specialist Geiger was assigned to 3rd Squadron, 2nd Stryker Cavalry Regiment, Vilseck, Germany. He was from Lone Pine, CA.

SSG David A. Wieger, 28, died November 1, near Balad Air Base, Iraq, of wounds suffered from an improvised explosive device. Staff Sergeant Weiger was a special agent with the Air Force Office of Special Investigations and was assigned to Detachment 303, Travis Air Force Base, CA.

I would also like to pay tribute to the five soldiers from California who have died while serving our country in Operation Enduring Freedom since July 23.

SGT Travon T. Johnson, 29, died on July 23, in the Sarobi District of Afghanistan of injuries sustained when an improvised explosive device detonated near his mounted patrol. Sergeant Johnson was assigned to the 1st Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade, Caserma Ederle, Italy. He was from Palmdale, CA.

MSG Patrick D. Magnani, 38, died September 4, near Bagram, Afghanistan, in a non-combat related incident. Master Sergeant Magnani was assigned to the 31st Medical Support Squadron, Aviano Air Base, Italy. He was from Martinez, CA.

CPL Travis M. Woods, 21, died September 9, from wounds suffered while conducting combat operations in the Northern Helmand province of Afghanistan. Corporal Woods was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Redding, CA.

PFC Mathew D. Taylor, 21, died September 26, in San Antonio of wounds sustained when an improvised explosive device detonated near his vehicle July 23, in the Sarobi District of Afghanistan. Private First Class Taylor was assigned to the 1st Battalion, Airborne, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team, Vicenza, Italy. He was from Cameron Park, CA.

SSG Joseph F. Curreri, 27, died October 27, in Siet, Lake Jolo Island, Philippines, from injuries sustained in a non-combat related incident. Staff Sergeant Curreri was assigned to the 2nd Battalion, 1st Special Forces Group, Airborne, Fort Lewis, WA. He was from Los Angeles, CA.

#### COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice,

Science, and Related Agencies, I rise today to notify the Senate that I sponsored an amendment to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act that provided \$3 million in funding for Teach for America, headquartered in New York, NY, to improve science, technology, engineering, and mathematics education.

#### PRESIDENTIAL REMARKS

Mr. SESSIONS. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the remarks by President George W. Bush at the Presidential Medal of Freedom presentation at the White House on November 5, 2007, honoring Harper Lee of Monroeville, AL.

There being no objection, the material was ordered to be printed in the RECORD.

Good morning. Laura and I are thrilled to welcome you to the White House. We welcome the members of Congress, the members of the Cabinet, and other distinguished guests. It's an honor to be with the Medal of Freedom recipients, as well as their family members and friends. We're sure glad you're here.

The Medal of Freedom is the highest civil honor that a President can bestow. By an executive order of John F. Kennedy, the medal is designed to recognize great contributions to national security, the cause of peace and freedom, science, the arts, literature, and many other fields. The eight men and women came to this distinction by very different paths. Each of them, by effort and by character, has earned the respect of the American people, and holds a unique place in the story of our time.

The story of an old order, and the glimmers of humanity that would one day overtake it, was unforgettably told in a book by Miss Harper Lee. Soon after its publication a reviewer said this: "A hundred pounds of sermons on tolerance, or an equal measure of invective deploring the lack of it, will weigh far less in the scale of enlightenment than a mere 18 ounces of a new fiction bearing the title *To Kill a Mockingbird*."

Given her legendary stature as a novelist, you may be surprised to learn that Harper Lee, early in her career, was an airline reservation clerk. Fortunately for all of us, she didn't stick to writing itineraries. Her beautiful book, with its grateful prose and memorable characters, became one of the biggest-selling novels of the 20th century.

Forty-six years after winning the Pulitzer Prize, *To Kill a Mockingbird* still touches and inspires every reader. We're moved by the story of a man falsely accused—with old prejudice massed against him, and an old sense of honor that rises to his defense. We learn that courage can be a solitary business. As the lawyer Atticus Finch tells his daughter, "before I can live

with other folks I've got to live with myself. The one thing that doesn't abide by majority rule is a person's conscience."

Years after *To Kill a Mockingbird* was put to film, the character of Atticus Finch was voted the greatest movie hero of all time. It won Gregory Peck the Oscar. He was said to believe the role "brought him closest to being the kind of man he aspired to be." The great actor counted Harper Lee among his good friends, and we're so pleased that Gregory Peck's wife, Veronique, is with us today. Thank you for coming.

One reason *To Kill a Mockingbird* succeeded is the wise and kind heart of the author, which comes through on every page. This daughter of Monroeville, Alabama had something to say about honor, and tolerance, and, most of all, love—and it still resonates. Last year Harper Lee received an honorary doctorate at Notre Dame. As the degree was presented, the graduating class rose as one, held up copies of her book, and cheered for the author they love.

*To Kill a Mockingbird* has influenced the character of our country for the better. It's been a gift to the entire world. As a model of good writing and humane sensibility, this book will be read and studied forever. And so all of us are filled with admiration for a great American and a lovely lady named Harper Lee.

Thank you all for coming. I hope you've enjoyed this ceremony as much as I have. May God bless you all. Thank you.

#### PLAIN LANGUAGE IN GOVERNMENT COMMUNICATIONS ACT

Mr. AKAKA. Mr. President, I rise today to speak about the need to write government documents in plain language.

This past Sunday, November 4, 2007, the Washington Post ran an article entitled "Parsing the Fine Print in Federal Ads." This article illustrates exactly why the Federal Government must begin writing in language that the American people can understand.

The Federal Government has a pressing need to recruit skilled employees. Many agencies are understaffed, and more than 50 percent of the Federal workforce will be eligible to retire in the next 5 years. Yet advertisements for Federal jobs are described as "incomprehensible," "opaque," "dense," and "convoluted." The article quotes two different people who have written entire books about applying for Federal jobs, one of whom states that understanding a Federal job announcement can take hours and likens the process to explicating a poem in English class.

It is well known that the Federal hiring process is lengthy and complex. Agencies need to look for ways to streamline and improve the hiring process, especially now that the Federal government is facing a large num-

ber of retirements. One easy step that agencies can take is to write announcements in plain language.

Writing Federal job announcements in plain language would save applicants considerable time and energy spent attempting to figure out what a job advertisement means. Plain, clear, accessible ads are much more likely to attract candidates' attention than opaque and incomprehensible ones. By writing job ads in plain language, agencies likely would attract more candidates with strong qualifications, which would go a long way toward addressing the Federal Government's human capital challenges.

I urge my colleagues to support the Plain Language in Government Communications Act of 2007, S. 2291, and I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 4, 2007]

PARSING THE FINE PRINT ON FEDERAL ADS

(By Mary Ellen Slayter)

Uncle Sam really does want you, even though at times it can be hard to figure out what exactly he wants you to do.

Federal job ads can seem particularly opaque to people looking to make the switch from the private sector. Or as one wannabe fed put it in my online chat recently: "What gives with USAJobs.com? The job descriptions on that site are incomprehensible to a person (like me) who hasn't worked for a government agency before. Seriously, they don't make any sense."

"The federal application process is complex to say the least," said Dennis Damp, author of *The Book of U.S. Government Jobs* and a retired senior manager for the Federal Aviation Administration. Part of that is for good reason, he said; the process is designed to be fair, judging applicants on the basis of their qualifications, without discrimination or nepotism.

Even when you agree that those are commendable goals, the process can be exasperating. But those frustrations can be overcome with a little patience—and by making that seemingly dense job ad work for you.

Damp's book devotes a chapter to analyzing the job announcement, breaking it down piece by piece and showing applicants how to craft an effective résumé based on the information given. He said a common mistake people make is not reading the whole announcement before throwing their hands up in bewilderment—though he certainly sympathizes with them. "It's a ton of data that can be very confusing initially. You can't stop at the first paragraph, because if you do, you're probably bypassing positions that you're qualified for."

He also includes several cross-referenced indexes, which can be particularly helpful to the truly lost hunter who isn't sure if he's even looking at the right types of jobs to match his private-sector skill set.

"The announcement gives you so much content to use, if we slow down and appreciate what's in there," said Kathryn Kraemer Troutman, author of the *Federal Resume Guidebook* and president of the Resume Place, a consulting firm that specializes in helping applicants for federal jobs.

She offers a simple strategy for making sense of announcements: Start with the "duties" section. Count the sentences in the

paragraph, and separate each one into a numbered line. Then read each sentence again slowly. Within each sentence, underline the key words.

"Then you will understand the position," she said. (This works, but "simple" does not mean "quick." It can easily take hours. If you ever had to explicate poems in English class, you get the idea.) Do the same thing with the "qualifications" section, which will probably cover five or six things. "Those key words must be in your résumé," Troutman said. "Don't be creative."

Something else to keep in mind: If the qualifications don't make sense to you after careful study, perhaps you're just not qualified. "Private industry people many times do not have the qualifications for federal jobs," Troutman said.

If that's the case, your work still wasn't a waste. If you dream of a fed job, make acquiring those qualifications your goals, she said. "Make this list your list, taking classes, volunteering."

But lack of qualifications isn't always the problem. Sometimes it's just a language barrier—or a cultural one. "People from the private sector can't understand this language," Troutman said. "They just can't believe it." Others just "don't know how to play this paper game."

Max Stier, president of the nonprofit Partnership for Public Service, said that job seekers need to remember that all federal agencies are all different—right down to their job ads.

"A lot of agencies still provide descriptions of job openings that are convoluted," he said, but not all. "Some agencies get it. Some understand."

But if you don't understand, he said, pick up the phone and call the agency. Announcements on USAJobs, the government's primary avenue for advertising new jobs, include contact information for the appropriate human resources officer.

"Even in the age of the Web, finding someone to speak with can help," Stier said.

And be patient. "There are more and more good tools out there," he said, "but obviously it's still not a hiring nirvana."

#### GLOBAL CHANGE RESEARCH IMPROVEMENT ACT

Ms. SNOWE. Mr. President, I am pleased to join with Senator KERRY in introducing the Global Change Research Improvement Act of 2007, that amends and strengthens the existing U.S. climate change research and assessment program that will ultimately benefit all of the citizens of our Nation. Our intent is to improve upon the basic research and products that the Federal Government develops on climate change and its inherent impacts. We believe our legislation would refocus the emphasis of the nations' climate change program and fulfill the need for relevant information for States, and local and nongovernmental decisionmakers.

In addition, the creation of a new National Climate Service within the National Oceanic and Atmospheric Administration, NOAA, will provide climate change forecasting on a regular basis to end-users, and create a permanent network for the delivery of such information so that decision makers in every city and town, county and State, and the Federal Government can make

timely planning decisions to deal with impacts and develop adaptation methodologies.

The legislation also calls for an Abrupt Climate Change Research Program within NOAA—a program I have been supporting for at least 5 years now—so that scientists can gather more knowledge about a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the change. I am proud to say that my alma mater, the University of Maine at Orono, has a world renowned abrupt climate change research program under the direction of Dr. Paul Mayewski. He and his colleague Dr. George Denton, UMaine Libra Professor of Geological Sciences have been major contributors to research on abrupt climate change. There is a need for a national research program to coordinate and further research on past climate shifts so that scientists can better predict what future climate change holds for our fragile planet.

The Global Change Research Program, GCRP, the country's climate research and assessment program, was established in law by the Global Change Research Act of 1990. Consider what has happened technologically since then, what was generally unheard of at that time. We now drive hybrid cars, we are tuned into iPods, we use hand held blackberries for instant communication, we have much more advanced and high speed computers for modeling and, most importantly for our legislation, more comprehensive knowledge and understanding of climate change through 17 more years of peer-reviewed scientific research, monitoring, and assessments. Our nation's climate change research program needs restructuring so that we can turn that knowledge into timely and useful information for decisionmakers. This is exactly what our bill does.

Unfortunately, the overall GCRP program's budget has been steadily declining since fiscal year 2004, which is alarming since, at the same time, we have a growing need, a truly urgent need, to better understand and predict climate change. Over the past several years, independent reports, including a review by the National Academy of Sciences, have documented weaknesses and gaps in the current implementation of the GCRP. In fact, a Federal district court found that the current administration had failed to comply with the statute's mandate to provide regular assessments of the impacts of climate change on critical resources; no such assessment has been published since October 31, 2000.

Our legislation makes important changes to address these weaknesses and gaps, making important changes to strengthen the mandate to provide assessments, enabling the GCRP to perform critical climate observations and research on climate systems; improve our ability to predict climate impacts at national, regional and local levels;

and, importantly, to communicate those impacts in a timely and useful fashion to State and local decisionmakers, resource managers, and other stakeholders.

Back in the 14th century, a Franciscan friar William of Ockham came up with the principle that has, through the ages, been called Occam's razor. The Latin explanation "entia non sunt multiplicanda praeter necessitatem," which paraphrased means, "All things being equal, the simplest solution tends to be the right one." This is what Senator KERRY and I are attempting to accomplish with this bill, to simply focus rather than to continue to multiply and to dilute how our climate change research programs are currently carried out with no real usable information for the decisionmakers who must deal with the problems of global warming. We hope our colleagues agree with these necessary improvements and will join us with their support.

#### TRIBUTE TO DON DIXON

Mr. CRAPO. Mr. President, it is with mixed emotions that I bid farewell to a longtime member of my staff but, more importantly, a trusted friend of many years. Don Dixon has served as my State director of agriculture for the past 12 years. His service has been exemplary; nothing less can be imagined from Don—he is a man of the highest character, a man whose honesty, trustworthiness, kindness, intelligence, dependability and wisdom are firmly rooted in a foundation of humility. He came to me with a well-established reputation for fairness and extensive knowledge of Idaho agriculture. Throughout more than a decade of public service, I can honestly say that I have learned more from him than he from me. I have the highest regard for Don; he is irreplaceable. Fortunately, it is just Senate employment that he is leaving, and I get to enjoy his friendship and insight for years to come.

As a farmer with firsthand knowledge of the challenges faced by producers, Don has been reliable counsel to the agriculture community, the Idaho delegation and others as he has worked for sound agriculture policy. Don has been recognized for his dedication to agriculture through awards, such as the Governor's Excellence in Agriculture Award and induction in the Eastern Idaho Agricultural Hall of Fame. It is also nearly impossible to find an aspect of Idaho agriculture that Don has not been involved with through membership of organizations and councils, service on boards, and continuous outreach.

In addition to his experience, Don brings contagious enthusiasm and energy to everything he undertakes, and serves as not only a strong advocate for the U.S. Department of Agriculture, but also provides exemplary counsel to fellow farmers and ranchers. Don's easy going personality is complemented by a sharp mind and quick

wit. Idaho agriculture has benefited in incalculable ways from his wisdom, wealth of hard-earned knowledge and his ability to see the bigger picture when it comes to dealing with issues important to Idaho's agriculture community such as water, land use, grazing and animal management, conservation, invasive species and community relations. His has been a voice of reason and calm in the sometimes thorny conflicts that occur between Federal, State and local agriculture regulations and issues. Don has been a tireless spokesman for Idaho's growers and ranchers, a community leader and a good friend to many. It has been an incredible honor and a pleasure to have him on my staff. Don has taught me many things, among them the wisdom of a gate wide enough to accommodate a tiller, and the vast array of Idaho scenery that can be even better appreciated when "big" lost in the Little Lost.

Don has been an essential part of my hometown office, in Idaho Falls; as a result, I share office space with Don when I am home. For most of us, the little things that make our offices ours say quite a bit about who we are. Don keeps a supply of Whoppers in his desk, finishes his coffee, cold, in the afternoons, tracks useful information—what Idahoans like to call "scuttlebutt"—and keeps a dollar bill in his desk drawer. He has created many different storage options for himself in his office, has a reputation as a skilled charades player and color codes activities on his calendar. A little light-hearted personal work space analysis reveals that Don, a whopper of a fellow and true to his farming and ranching roots, is wisely frugal, keeps informed about his community, and is prepared for any emergency. He is creative, inventive and works hard to keep his friendships colorful, nurtured and long-lasting.

I want to thank Don for his many years of service, and thank his wife Georgia for her support as he has worked for me. The schedule isn't always the most family-friendly, and she, like Don, has braved it with a sense of humor and patience.

He has served Idahoans with excellence, and, as he takes the helm of the Idaho State Farm Services Agency, his knowledge, character and wisdom will continue to serve Idaho agriculture. I will miss him on my staff.

#### ADDITIONAL STATEMENTS

##### INDIANA SERVICE LEADERS SUMMIT

• Mr. BAYH. Mr. President, I wish to tell you about a group of extraordinary young Hoosiers. On October 27, National Make A Difference Day, the fifth annual Service Leaders Summit was held in Indianapolis to honor high school students from across Indiana for their service and dedication to their communities and hopefully to inspire

them to continue serving throughout their lives.

The young men and women who were honored have answered the call to service. Some of them have helped build homes, some tutored and mentored younger students, and others have raised money to support cancer research or feed the hungry. Several of the young men and women led service projects on their own to address the problems in their schools and communities. Each one of the students spends hours making a difference in their hometowns. They have impacted the lives of countless Hoosiers.

During the summit, the students heard from Hoosier leaders who have chosen to dedicate their lives to serving others. The speakers highlighted the five pillars of successful service: inspiration, organization, dedication, evaluation, and reflection. Following the speeches, the students divided into groups and participated in service activities at different sites throughout Indianapolis.

Robert F. Kennedy once said, "Some men see things as they are and say 'Why?' I dream of things that never were and say, 'Why not?'" Each one of these young men and women has already asked themselves "Why not?" and have worked to make positive changes in their communities. They represent a new generation of promise with the potential to make a real difference across Indiana and the nation.

Mr. President, I would like to thank each one of the following individuals for participating in the summit and for their service to their communities:

Laura Alexander, Kashua Alexander, Alex Anspaugh, Alexis Arnold, Chase Arthur, Tiffany Aylor, Anne Baenziger, Kelsie Ball, Kristin Barnes, Kaitlyn Batt, Brittany Bedwell, Adam Bernaix, Stephanie Bradley, Andrea Bright, Lesley Bright, Margaret Burke, Emily Burnworth, Conner Caudill, Libby Chang, Joshua Clifford, Ashley Clodfelder, Carla Cotton, Victoria Cottrell, Adam Crick, Conner Cunningham, Katie Day, Brittany Dunlavy, Christopher Ellison, Joey Etling, Iris Farries, Lyndsey Fisher, Riley Fitzpatrick, Eva Flick, Emily Friesen, Laura Gadson, Amy Gibson, Cody Goshert, Kimberly Gregory, Megan Haire, Katie Hawkins, Tim Herniak, Shelby Hodge, Cody Hodges, Matthew Hollars, Clinton Horine, Christopher Horn, Nick Horn, Stacey Houmes, Candice Howard-Perry, Kian Hudson, Taylor Jenkins, Ashley Jones, Lyndsey Kellett, Ericka Kelley, Sarah Kelsey, Alison Kocur, George Mammarella, Nicholas Marchi, Nicole McCann, Kristen McMan, Kandace McNeely, Lindsey Meyer, Nicole Miller, Emily Miller, Dennis Moynihan, Kristina Muehr, Benjamin Myers, Megan Noonan, Kayla O'Brien, Michael Padilla, Carmen Perry, Sarah Polk, Shavonda Price, Ravon Price, Chloé Pugh, Alexis Rivera, Sable Robinson, Rachel Rominger, TaMar Shachaf, Emily Shephard, Trevor Shockey,

Aaron Smith, Jacob Sowers, Parker Stevens, Colin Stretch, Tha Sung, Jordan Taylor, Jennifer Thilges, Cami Thomas, Jessica Thompson, Vance Torres, Alyssa Vermillion, Tiffany Vogeler, Noah Wahl, Paul Weller, MacKenzie Williams, Lashaa Williams, Becky Wilson, Virginia "Ginny" Wright, and Janelle Yaryan.

I would also like to take a moment to express my gratitude to the Indiana University Purdue University Indianapolis students who took part in the summit as well. They are role models to younger students, and I am proud to recognize their achievements.

Lauren Bower, Michael Burk, John Burkhardt, Molly Childers, Victoria Easton, Ashley Fry, Paige Gaydos, Sashana Gordon-Jackson, Selene Hernandez-Buquer, Loan Hoang, Jordan Jenkins, Shani Jones, Whitney Kelly, Kyra Kline, David Lane, Janine Mullins, Sharee Myricks, Lauren Nowlin, Pascal Olame, Olutope Omosogbon, Stephanie Pendleton, Megan Prather, Tiffany Reed, Katherine Scheller, Eddie Shmukler, Lygia Vernon, Channe'l Walters, and Brittani Whitmore.●

#### TRIBUTE TO SHERIFF JAMES HAYES

• Mr. SESSIONS. Mr. President, today I pay tribute to Sheriff James Hayes, who passed away on a recent hunting trip. Sheriff Hayes's law enforcement career began at the Etowah County Sheriff's Office in 1972 as a deputy sheriff. In 1986, he was elected sheriff and was subsequently reelected to five more terms, distinguishing him as the longest-serving sheriff in Etowah County history. He was a graduate of the Hokes Bluff High School Class of 1965, and a member of the only undefeated football team in school history in 1964. Sheriff Hayes was a pillar of the law enforcement community, not only in Etowah County, but in the entire State of Alabama and the Nation. In 1994, he carried the distinguished title of president of the Alabama Sheriff's Association, serving both our State and sheriffs across the Nation with distinction. In the course of his career, Sheriff Hayes served on committees and boards throughout Etowah County and the State of Alabama. His unfailing leadership, and his unwavering love of public service, are examples for us all.

During the course of my Senate career, Sheriff Hayes worked closely with me and my staff to bring about positive change in Alabama. The accomplishment that I am perhaps most grateful to Sheriff Hayes for involves his vision for an immigration detention facility in the State of Alabama. In March of 1998, Sheriff Hayes started pursuing the expansion of the Etowah County Detention Facility. He had a vision for a long-term contract with the Federal Immigration Service, one that would increase the bed capacity in the State, and one that would serve to ensure that Federal immigration laws were

more effectively enforced within the borders of our State. It is common knowledge that without bed space, you cannot arrest and deport illegal aliens. With the help of our office, he secured a 15-year agreement with the Immigration Service and an \$8.4 million expansion grant. This grant added over 300 detention beds, more than doubling the number in the existing facility.

When the Immigration Service turned over control of the facility to its New Orleans Field Office after September 11, 2001, Sheriff Hayes further demonstrated his commitment to a successful immigration enforcement system in Alabama by initiating a movement to return oversight for the Etowah County Federal Detention Facility to Immigration Services' Atlanta Field Office. He firmly believed that the beds would be used more effectively under the direction of the Atlanta Field Office, which was hundreds of miles closer and wanted to use the facility for short term, instead of long-term, immigration detainees. Just 2 weeks before his death, I received notification from the Immigration Service that his multiple year-long effort was not in vain. DHS had fully evaluated his position, and had decided to grant his request. My office was able to communicate the good news that his persistence had been met with success to Sheriff Hayes just before his passing.

I am confident that Sheriff Hayes' diligent efforts over the last several years have ensured a more effective Federal partnership with law enforcement in Alabama for years to come. As I read the recent newspaper articles and messages reacting to Sheriff Hayes's death, I was touched to realize that the appreciation of Etowah County's citizens for Sheriff Hayes's unrelenting public service is only surpassed by their love for him as a husband, father, grandfather, brother and friend who will be missed tremendously. Alabama was indeed lucky to claim him as one of her own.

So, in closing, I want to let Sheriff Hayes' family know how much I appreciate his service, his professionalism, and his dedication to the people of Etowah County and the State of Alabama. I know that words cannot adequately express the loss being felt right now in Etowah County, but we can all be assured that Etowah County and our State are better places because of Sheriff Hayes' leadership. Let his life be an example for those of us who continue to serve in public office.●

#### TRIBUTE TO DR. GEORGE V. IRONS, JR., M.D.

● Mr. SESSIONS. Mr. President, today I commend Dr. George V. Irons, Jr., M.D., native Alabamian, for his outstanding achievements as one of our Nation's foremost cardiologists.

Dr. Irons has treated the hearts of Americans for over five decades. He graduated from the Medical College of Alabama, earning the highest grades

ever recorded in the school's history, straight A-plus. Since that time, his professional accomplishments have been many.

While at the Medical College of Alabama, he was selected by the American Medical Association as one of the top two medical students in the nation. For his superior scholastic record, leadership and service, he won the Stuart Graves Award, as the Medical School's top student.

After military duty as a flight surgeon, Captain, U.S. Air Force, internship and residency, chief resident in cardiology, Dr. Irons joined the Duke University Medical School Faculty in 1964, where he was named fellow in cardiovascular diseases.

Dr. Irons' career has truly been notable. Since 1966, he has been in active practice in Charlotte, NC, as the first board certified cardiologist in western North Carolina. Dr. Irons was Founder and is president of Mid-Carolina Cardiology, a premiere coronary care provider.

As a high school junior, Irons won the prestigious Bausch & Lomb Award, as America's top science student—a nationwide science talent search based on competitive examinations sponsored by the University of Rochester, NY. As the winner, he was offered a substantial scholarship, which he declined, to attend Samford University.

He graduated from Woodlawn High School with a perfect academic record, first in his class, and served as president of the student body. At Howard College—now Samford University—he continued his course, finishing a rigorous 4 year pre-med curriculum in 35 months with a perfect 3.0—first in his class. For his excellence, he was awarded the John R. Mott Trophy and as the outstanding graduating senior, he won the Birmingham Exchange Club Trophy, Danforth Award, and the ODK National Leadership Award. He also found time to letter in varsity track and win the conference championship in his event.

As a distinguished cardiologist, he was inducted as fellow into the American College of Cardiology and received a special Award of Merit with Citation from the National Association of Cardiologists for his distinctive research contributions to the science of coronary disease. Only eight physicians have been so honored in the Association's history. Dr. Irons' research has been published worldwide in leading medical journals.

This year, Dr. Irons was named one of Samford University's Distinguished Alumnus. Samford University is one of America's finest liberal arts universities, founded and serving in the Christian tradition. To be selected Distinguished Alumnus, the nominee must be distinguished in their professional career, community and church involvement.

I would like to commend Dr. Irons, achievements, research, and devotion to superior patient care. He exhibits

tremendous dedication to the science of coronary disease to provide a better life for our citizens through more improved medical technology and treatment.

I proudly salute Dr. Irons, one of Alabama's great native sons, for his extraordinary service to medicine and this latest honor as a Samford University Distinguished Alumnus.●

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 4:41 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center".

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 5:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. MURTHA, Mr. DICKS, Mr. VISCLOSKEY, Mr. MORAN of Virginia, Ms. KAPTUR, Mr. CRAMER, Mr. BOYD of Florida, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. OBEY, Mr. YOUNG of Florida, Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. KINGSTON, and Mr. LEWIS of California as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill and joint resolution, without amendment.

S. 2206. An act to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

S.J. Res. 7. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 513. An act to amend the Servicemembers Civil Relief Act to enhance the protection of credit ratings of members of the reserve component who serve on active duty in support of a contingency operation, and for other purposes.

H.R. 1567. An act to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

H.R. 2949. An act to authorize grants to the Eurasia Foundation, and for other purposes.



The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 60. Concurrent resolution expressing support for the goals of Veterans Educate Today's Students (VETS) Day, and for other purposes.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 513. An act to amend the Servicemembers Civil Relief Act to enhance the protection of credit ratings of members of the reserve component who serve on active duty in support of a contingency operation, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2949. An act to authorize grants to the Eurasia Foundation, and for other purposes; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 60. Concurrent resolution expressing support for the goals of Veterans Educate Today's Students (VETS) Day, and for other purposes; to the Committee on Veterans' Affairs.

### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1567. An act to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2113. A bill to implement the United States-Peru Trade Promotion Agreement.

### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

\*Michael B. Mukasey, of New York, to be Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2309. A bill to amend title 38, United States Code, to clarify the service treatable

as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself and Mr. NELSON of Florida):

S. 2310. A bill to establish a National Catastrophic Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY:

S. 2311. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the amendment or repeal of monographs, to expand the Food and Drug Administration's authority to regulate drug advertising, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER:

S. 2312. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to provide for State student achievement contracts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself and Mr. HATCH):

S. 2313. A bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SALAZAR (for himself, Mr. INHOFE, and Mr. TESTER):

S. 2314. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes; to the Committee on Finance.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. SPECTER, Mr. SMITH, Mr. VOINOVICH, Mr. BIDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. CONRAD, Mr. MARTINEZ, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. CARDIN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. CASEY):

S. Res. 367. A resolution commemorating the 40th anniversary of the mass movement for Soviet Jewish freedom and the 20th anniversary of the Freedom Sunday rally for Soviet Jewry on the National Mall; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Ms. SNOWE, and Mr. STEVENS):

S. Res. 368. A resolution expressing the sense of the Senate that, at the 20th Regular Meeting of the International Commission on the Conservation of Atlantic Tunas, the United States should pursue a moratorium on the eastern Atlantic and Mediterranean bluefin tuna fishery to ensure control of the fishery and further facilitate recovery of the stock, pursue strengthened conservation and management measures to facilitate the recovery of the Atlantic bluefin tuna, and seek a review of compliance by all Nations with the International Commission for the Conservation of Atlantic Tunas' conservation and management recommendation for Atlantic bluefin tuna and other species, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mrs. LINCOLN):

S. Res. 369. A resolution designating November 25, 2007, as "Drive Safer Sunday"; considered and agreed to.

By Mrs. DOLE (for herself and Mr. NELSON of Florida):

S. Res. 370. A resolution supporting and encouraging greater support for Veterans Day each year; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 368

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 819

At the request of Mr. DORGAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1239, a bill to amend the Internal

Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1492

At the request of Mr. INOUE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1514

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1775

At the request of Mr. BURR, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1775, a bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that no child is left behind.

S. 1782

At the request of Mr. FEINGOLD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1782, a bill to amend chapter 1 of title 9 of United States Code with respect to arbitration.

S. 1800

At the request of Mr. BAYH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1800, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 1852

At the request of Mr. INOUE, the names of the Senator from Montana (Mr. TESTER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1852, a bill to designate the Friday after Thanksgiving of each year as "Native American Heritage Day" in honor of the achievements and contributions of Native Americans to the United States.

S. 1943

At the request of Mr. KENNEDY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1943, a bill to establish uniform standards for interrogation techniques applicable to individuals under the custody or physical control of the United States Government.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2053

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2053, a bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Wyoming (Mr. ENZI) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2123

At the request of Mr. GREGG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2168

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2225

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2225, a bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves.

S. 2238

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of

S. 2238, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 2246

At the request of Mr. COLEMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2246, a bill to amend the Higher Education Act of 1965 to extend eligibility for Federal TRIO programs to members of the reserve components serving on active duty in support of contingency operations.

S. 2256

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2256, a bill to establish an Office of International and Domestic Product Safety and a Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of product safety responsibilities, develop a centralized public database for product recalls, advisories, and alerts, and for other purposes.

S. 2257

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2275

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2275, a bill to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

S. 2277

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2277, a bill to amend the Internal Revenue Code of 1986 to increase the limitation on the issuance of qualified veterans' mortgage bonds for Alaska, Oregon, and Wisconsin and to modify the definition of qualified veteran.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local

governments are a party, and for other purposes.

S. 2303

At the request of Mr. BURR, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2303, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. RES. 299

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 299, a resolution recognizing the religious and historical significance of the festival of Diwali.

S. RES. 321

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 321, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 356

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2309. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the proposed Compensation for Combat Veterans Act. This legislation would remove a barrier to the fair adjudication of claims for VA benefits filed by veterans who have disabilities incurred or aggravated by their military service in combat areas. Under existing law, veterans who can establish that they served in combat do not have to produce official military records to support their claim for disabilities related to that service.

At present, some veterans, disabled by their service in Iraq and Afghanistan as well as those who served earlier in Korea and Vietnam, are unable to benefit from this liberalizing evidentiary requirement because they have difficulty proving personal participation in combat by official military documents.

Under an opinion of the Department of Veterans Affairs General Counsel, VA GC Opinion 12-99, veterans must establish by official military records or decorations that they "personally participated in events constituting an actual fight or encounter with a military

foe or hostile unit or instrumentality." Oversight visits by Committee staff to VA regional offices have found claims denied as a result of this policy because those who served in combat zones were not able to produce official military documentation of their personal participation in an actual fight.

Some of these cases include a Marine Combat Engineer serving in Iraq who encountered IEDs, an Army veteran accidentally shot in Iraq by a fellow servicemember, and an Army Infantryman whose records showed participation in the Tet offensive of 1968, but not "personal participation in an actual fight." In other cases, extensive delays in claims processing occur while VA adjudicators attempt to obtain official military documents showing that a Marine who served in Bagdad or Fallujah was personally exposed to IEDs.

The legislation I am introducing would overturn the General Counsel precedent opinion. I believe that the requirement in that opinion is inconsistent with the original intent of Congress in liberalizing the requirements for proof of service-connection in cases involving veterans who served in combat areas. As the Senate noted in 1941, in the report on the original bill providing special consideration for combat veterans:

The absence of an official record of care or treatment in many of such cases is readily explained by the conditions surrounding the service of combat veterans. It was emphasized in the hearings that the establishment of records of care or treatment of veterans in other than combat areas, and particularly in the States, was a comparatively simple matter as compared with the veteran who served in combat. Either the veteran attempted to carry on despite his disability to avoid having a record made lest he might be separated from his organization or, as in many cases, the records themselves were lost.

S. Rep. 77-902 to H.R. 4905 at 2.

While some improvements have been made since 1941 in obtaining and maintaining records in combat areas, record keeping and transmittal of records in combat areas remains problematic.

This bill would require that, in cases in which the veteran can demonstrate service in a recognized combat area and alleges disabilities related to that service the relaxed evidentiary principles intended by the Congress would apply, with no requirement for further evidence from the veteran regarding his or her specific activity.

I urge all of my colleagues to support this measure, so that combat veterans of the current conflicts, as well as those who served in earlier conflicts, can receive the benefits they deserve in a timely manner.

By Mr. ALEXANDER:

S. 2312. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to provide for State student achievement contracts; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, Senators KENNEDY and ENZI have re-

cently said that early in 2008 the Senate will consider whether to authorize No Child Left Behind.

That law, which was enacted in 2001 as a part of the regular 5-year reauthorization of the Elementary and Secondary Education Act, required every State to set standards for math and reading and to test each child once a year in grades 3 through 8, and once in high school, in order to measure their progress toward meeting these State standards. In addition, the law requires States to report the results in a disaggregated way, meaning according to racial, ethnic, socioeconomic status, disability, and limited English proficiency, report the status of the children so it would be clearer whether groups of children are being left behind in their academic progress.

So my purpose today is, first, to announce my support for the reauthorization of the No Child Left Behind Act but ask that we find a better way to do the job of reporting results. We should be trying to catch schools doing things right rather than seeming to penalize them for doing things wrong.

Second, to introduce legislation providing for greater flexibility in administering the law for up to a dozen States, if those States agree to maintain a high level or increase the rigor of the program, their standard-setting process, and reporting requirements.

Third, to express my concerns about early drafts and proposals of reauthorizing legislation that seem to require more Federal control and less State responsibility for results—the reverse of what we should be seeking to achieve.

Finally, I wish to call attention to several parts of the legislation that need to be strengthened and expanded: Support for teaching American history; the Teacher Incentive Fund; charter schools, which I know the Presiding Officer has been very interested in for a long time; and State collection of data to aid States in measuring student progress.

First, support for reauthorization. I have decided to cosponsor the No Child Left Behind Act of 2007, which has been authored by Senators Burr and Gregg, because I believe it represents a sound foundation for eventual reauthorization of the legislation. This legislative draft leaves in place the framework of the 2001 law: high goals, State standards, and disaggregated reporting of results, and it addresses some obvious deficiencies in the existing legislation, including more flexibility in helping children learn English, in measuring the progress of children with disabilities, and in how to report the progress of children who make great progress but still fall behind their goals. This bill—the Burr-Gregg bill—does not retreat from the bold goal that all children will be proficient in reading and math according to each State's standards by the 2013-2014 school year. Some have argued that sets schools up for failure. I would argue it is the American way to set high goals and then to

attempt to reach them. Our Declaration of Independence does not say "life, liberty, and the pursuit of happiness" for 80 percent of us. Our national character is not that some things are possible. Rightly or wrongly, we Americans uniquely believe that anything is possible for all of us, and much of our politics and debates in this body are about dealing with the disappointment of not reaching high goals that we set for ourselves, and then, of course, we set out and try again to achieve them.

I do think we would be wise to find a different way to talk about the progress of schools in reaching those high goals. Most schools, at least today, are succeeding in reaching their State's No Child Left Behind standards. There are more than 100,000 schools in the United States. According to the U.S. Department of Education, over 20 percent of those—21,000—did not make adequate yearly progress. Of those 21,000 schools, about one-fourth missed their goals by one subgroup of students.

The same is true in Tennessee. According to our Department of Education, there are 1,710 public schools. There were 245—or 15 percent—which did not make adequate yearly progress. Of those, 127 didn't do it because of one subgroup.

Therefore, I suggest we find a different way to talk about progress. Schools that reach their goals might be called "high-achieving schools." Schools that do so for more than 1 year in a row might be called the "highest achieving schools." Schools that, on the other hand, miss their goal by only one subgroup might be called "achieving schools," and those that do not do as well might be called priority schools.

Second: A new State contract for flexibility. I am introducing today the State Student Achievement Contract which I will work to make a part of No Child Left Behind. The idea is simple: Now that we have 5 years of experience with No Child Left Behind, we should toss the ball back to at least some States and see whether those States can implement the law with at least as much rigor in reporting, more flexibility, and more innovation.

I know if the Presiding Officer and I were still Governors of our respective States, we would want to try that over the next 5 years.

This proposal would allow up to 12 States to negotiate with the U.S. Secretary of Education to enter into a State student achievement contract, which would permit States to improve their own systems of accountability, and in exchange, receive the necessary flexibility to innovate on finding ways to close the achievement gap.

In other words, instead of saying: "Do it exactly this way" to the States, the Federal Government would be saying: "Give us results, and we will give you more flexibility."

In determining which States would be eligible for this new contract, the

Secretary would expect States to increase their standards, assessments, and expectations of students.

Washington, DC, itself is not going to make schools better in Wilmington, Maryville, Kansas City, and Sacramento. This can only happen locally, when parents, teachers, communities, and State officials take charge. In fact, No Child Left Behind is simply an extension of the State standards movement that began in the 1980s in most States. While it requires the setting of standards and requires public reporting, the solution to the problem of low-achieving students is left in the hands of communities, where it must be left. In fact, only 8 percent of funding of public schools comes from the Federal Government.

So this proposal seeks to recognize that solutions are local, to encourage those States that are trying the boldest programs, and to permit the flexibility needed to achieve those results.

Third, creeping Federal control. One reason I have introduced the State contract proposal is I don't want the reauthorization of No Child Left Behind to become a vehicle for increased Federal control of local schools. In fact, now that the first 5 years of confusion and learning the new law are completed, there ought to be fewer Federal requirements, not more. After all, the law is essentially a requirement for State standards and reporting disaggregated results.

But, unfortunately, Washington doesn't work that way. Our motto seems to be: Once we have stuck our noses into something, we will meddle with it forever. In some of the early drafts of No Child Left Behind, I have seen examples of increased Federal regulation that in my view offer the prospect of more Federal control and less local accountability. It ought to be the other way around.

Finally, there are three special provisions of No Child Left Behind that, based upon the first 5 years' experience, need to be expanded.

One, teaching American history. The late Albert Shanker, president of the American Federation of Teachers, once said the rationale for a public school is to teach immigrant children the three Rs and what it means to be an American, with the hope they would go home and teach their parents. Yet the lowest test scores for American high school seniors is not math or reading or science, it is U.S. history. Senators KENNEDY, ENZI, and I have worked to create some new provisions for this reauthorization which would encourage putting the teaching of American history back in its rightful place in our schools so our children can grow up learning what it means to be an American. These provisions include: The teaching traditional American history provision. That was put in 5 years ago. It is a program of grants to school districts to encourage professional development and teaching of American history. It has been very successful. Sen-

ator KENNEDY and Senator BYRD have had a major part in this law.

Next, Presidential and congressional academies. The pilot programs for these summer academies for outstanding teachers and students of American history have been low cost and very successful. It is my hope that in a partnership with States and the private sector, these can be expanded to a total of 100 each summer. They are very much similar to the Governors' schools many States have for students and for teachers. David McCullough has suggested perhaps we can match up the 10-year centennial program for national parks with these summer programs for students and teachers of U.S. history. Imagine what it would be like for a group of U.S. history teachers to spend a week with David McCullough at the Adams House in Quincy, MA.

Finally, a 10-State pilot program in U.S. history NAEP. Currently, the National Assessment of Education Progress—the Nation's report card—only measures student achievement in history every 4 years. We don't get State-level data; only a national sample of student achievement. Senator KENNEDY and I have offered legislation to create a 10-State pilot program so there can be State-level data for 10 States, which will reflect the importance of this subject to our Nation and call attention to student progress or lack thereof in American history.

A second area of special emphasis that ought to be considered when we reauthorize No Child Left Behind is the Teacher Incentive Fund. After parents, nothing is more important to a child's success than the classroom teacher. In every hearing we have in the Senate, a witness emphasizes the need to attract specially equipped teachers for math, for science, for children with disabilities, for inner-city schools, for gifted students, and other special needs. Yet we struggle in this country with an across-the-board pay mentality that will not allow schools to lift themselves up when it comes to attracting and keeping outstanding classroom teachers.

Finding fair ways to pay teachers more for teaching well is not easy. I have tried it. But during the last 5 years, the Teacher Incentive Fund has helped at least three dozen cities, usually working with local teachers' unions, to find new ways to train and reward outstanding teachers and principals. We need to do as much of this as we possibly can. I wish to thank and acknowledge Senator DURBIN of Illinois, the Democratic whip, for working with me to make certain that appropriations for this program continue.

Then, charter schools. I mentioned earlier the Presiding Officer was a national leader on charter schools when he was Governor of Delaware. Last year, I visited a charter school in Memphis. It was the Easter holiday, except those ninth graders weren't on vacation, they were in class. To be specific, they were in a ninth grade advanced

placement biology class. What was special was these children had come from so-called low-performing schools. To be blunt, they were labeled the least likely to succeed, except they were succeeding. This was because they were getting extra help during holidays, longer school days, Saturdays, and from special teachers.

The idea of a public charter school is simply to give teachers the freedom to use their common sense and their skills to help the children who are presented to them—freedom from Federal, State, and union rules so they can do it. It is nonsensical to me that we don't encourage, rather than discourage, such public charter schools.

Most of our children are learning, but for the 15 percent or so who are having genuinely special challenges in learning, it will take different kinds of schools, even better teachers and different methods. In this reauthorization of No Child Left Behind, we must do all of these things to cause that to happen.

Mr. President, I ask unanimous consent that the text of the bill and a letter addressed to Senator KENNEDY be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 2312

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. STATE STUDENT ACHIEVEMENT CONTRACTS.**

(a) AMENDMENT.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by redesignating part C (20 U.S.C. 7371 et seq.) as part D;

(2) by redesignating sections 6301 and 6302 (20 U.S.C. 7371, 7372) as sections 6401 and 6402, respectively; and

(3) by inserting after part B (20 U.S.C. 7341 et seq.) the following:

#### **“PART C—STATE STUDENT ACHIEVEMENT CONTRACTS**

##### **“SEC. 6301. SHORT TITLE.**

“This part may be cited as the ‘State Student Achievement Contracts Act’.

##### **“SEC. 6302. PURPOSE.**

“The purpose of this part is to allow not more than 12 State educational agencies, that establish and implement challenging and rigorous academic standards, academic assessments, and accountability systems, greater flexibility to—

“(1) improve their academic achievement standards, academic assessments, and State accountability systems;

“(2) increase the academic achievement of all students;

“(3) narrow achievement gaps between the lowest- and highest-achieving groups of students; and

“(4) eliminate barriers to implementing effective education reforms.

##### **“SEC. 6303. STATE STUDENT ACHIEVEMENT CONTRACTS.**

“(a) AUTHORITY.—In accordance with this part, the Secretary shall establish and implement procedures that permit the Secretary to enter into a State student achievement contract, on a competitive basis, with not more than 12 State educational agencies, under which such a State educational agency may—

“(1) waive any statutory or regulatory requirement of any program under this Act

(other than a requirement of this part) under which the Secretary awards funds to States on the basis of a formula, including such a requirement applicable to any local educational agency or school within the State, except those requirements relating to—

“(A) maintenance of effort;

“(B) comparability of services;

“(C) equitable participation of students and professional staff in private schools;

“(D) allocation or distribution of funds to local educational agencies, subject to paragraph (2);

“(E) serving eligible school attendance areas in rank order under section 1113(a)(3);

“(F) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that such a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school in the State that meets the requirements of subsections (a) and (b) of section 1113;

“(G) use of Federal funds to supplement, not supplant, non-Federal funds;

“(H) applicable civil rights requirements; and

“(I) prohibitions regarding—

“(i) State aid described in section 9522;

“(ii) use of funds for religious worship or instruction described in section 9505; and

“(iii) uses of funds for activities described in section 9526;

“(2) use funds made available to the State for State-level activities under section 1004, paragraph (4) or (5) of section 1202(d), section 2113(a)(3), section 2412(a)(1), subsection (a)(1) (with the agreement of the chief executive officer of the State), (b)(2), or (c)(1) of section 4112, section 4202(c), or section 5112(b), to carry out the uses of funds under 1 or more of such sections, paragraphs, or subsections, or under part A of title I, except that any such funds so used shall not be subject to allocation or distribution requirements under such sections, paragraphs, subsections, or part;

“(3) allow local educational agencies in the State to use funds made available under section 2121, 2412(a)(2)(A), 4112(b)(1), or 5112(a) to carry out the uses of funds under 1 or more of such sections or under part A of title I, except that any such funds so used shall not be subject to allocation or distribution requirements under such sections or part; and

“(4) require local educational agencies identified under subsection (b)(5)(C) to use funds in accordance with paragraph (3) in order to effectively implement the intervention described in subsection (b)(5)(D).

“(b) STATE APPLICATIONS.—To be eligible to enter into a State student achievement contract under this part, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall demonstrate that the State is in full compliance with all requirements of part A of title I, as such part was in effect on the day before the date of enactment of the State Student Achievement Contracts Act, relating to academic standards, assessments, and accountability, and shall include the following:

“(1) EVIDENCE.—Evidence that the proposed contract was reviewed by independent experts with knowledge and expertise in educational standards, assessments, and accountability.

“(2) STANDARDS.—A demonstration, consistent with section 1111(b)(1)(A), through a

documented and validated standards-setting process, including an independent, external review, that the State academic content standards, State student academic achievement standards, and educational objectives under paragraph (12), are—

“(A) fully articulated and aligned across kindergarten through grade 12, and include college and career-ready standards for secondary school graduation, including aligned course-level outcomes, developed in consultation with the State agency responsible for higher education, institutions of higher education, and representatives of the business community; or

“(B) at least as rigorous as national or international education standards and objectives measuring long-term trends and student academic achievement standards and objectives.

##### **“(3) ASSESSMENTS.—**

“(A) ASSURANCES.—An assurance that the State will—

“(i) assess students in the subjects and grades described in section 1111(b)(3)(C)(v) and (vii), conduct such assessment annually, and comply with section 1111(b)(7);

“(ii) demonstrate to the Secretary that any assessment used by the State and conducted under subparagraph (A) meets the requirements of clauses (i) through (iv) and (vi) through (xv) of section 1111(b)(3)(C); and

“(iii) describe any other student academic assessments the State educational agency will use, consistent with section 1111(b)(4), as part of the State's accountability system described in paragraph (5).

“(B) INFORMATION.—Information demonstrating that the State is administering assessments that are aligned with the standards described in paragraph (2), or will administer such aligned assessments in the next school year.

##### **“(4) DISAGGREGATION.—An assurance that—**

“(A) the State will disaggregate data in the same manner as data are disaggregated under section 1111(b)(2)(C)(v)(II); and

“(B) student performance data will be disaggregated in the same manner as data are disaggregated under section 1111(b)(3)(C)(xiii).

“(5) ACCOUNTABILITY SYSTEM.—An explanation of how the State will use the State's authority described in subsection (a) to develop and implement—

“(A) statewide annual measurable objectives which shall—

“(i) be set separately for all assessments used by the State under paragraph (3);

“(ii) be the same for all schools and local educational agencies in the States;

“(iii) identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in section 1111(b)(2)(C)(v)(II); and

“(iv) ensure that all students will meet or exceed the State's proficient level of academic achievement on the State assessments within the State's timeline described in paragraph (6).

“(B) a single, statewide accountability system consistent with the requirements of section 1111(b)(2);

“(C) a comprehensive, uniform system for identifying schools and local educational agencies for intervention based on achievement towards meeting proficiency targets established under paragraph (6) for students and subgroups that are disaggregated under paragraph (4); and

“(D) a comprehensive, uniform system for providing intervention to schools and local educational agencies identified under subparagraph (C), including a specific description and explanation of—



“(i) specific interventions that will be provided to all schools and local educational agencies so identified—

“(I) which shall include providing options to students in schools so identified, including options regarding—

“(aa) supplemental educational services that will be provided consistent with 1116(e); or

“(bb) public school choice that will be provided consistent with section 1116(b)(1)(E); and

“(II) which may include—

“(aa) targeted intervention by the State or local educational agency;

“(bb) replacement of school personnel; and

“(cc) conversion of a public school into a public charter school;

“(ii) how the State or local educational agency will monitor local educational agency or school performance over time and impose more stringent measures on local educational agencies or schools, respectively, the longer local educational agencies or schools, respectively, do not make adequate yearly progress; and

“(iii) how the State will ensure that local educational agencies or schools that do not make adequate yearly progress for 5 consecutive school years undertake alternate governance arrangements.

“(6) STUDENT PROFICIENCY TARGETS.—A demonstration and explanation of the State trajectory that is in place for all students to meet proficiency targets—

“(A) by the timelines established in sections 1111(b)(2)(E) and 1111(b)(2)(F); or

“(B) in not more than 3 years and upon graduation from secondary school.

“(7) TEACHER QUALITY.—An assurance that the State has rigorous teacher quality standards, which may include State determined teacher effectiveness standards, that reflect clear and fair measures of teacher and principal performance based on demonstrated improvements in student academic achievement.

“(8) DATA SYSTEMS.—A demonstration that the State educational agency has an effective data system capable of reporting classroom and school level data.

“(9) WAIVERS.—A list of any statutory or regulatory requirements that the State intends to waive for local educational agencies and schools within the State as part of the State student achievement contract and the process the State educational agency will use to evaluate and grant such waivers.

“(10) STATE APPROVAL.—An assurance that the proposed State student achievement contract was developed by the State educational agency in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in parts A through H of title I), and parents, and was approved by not less than 1 of the following:

“(A) The Governor of the State.

“(B) The State legislature.

“(11) DURATION.—A statement that the duration of the State student achievement contract shall be for a period of not more than 5 years.

“(12) EDUCATIONAL OBJECTIVES PLAN.—A plan, for the duration of the State student achievement contract, that describes the educational objectives the State educational agency plans to achieve, which objectives shall meet requirements similar to the requirements of clauses (i) through (v) of section 1111(b)(2)(G).

“(13) CONSOLIDATED FUNDS.—A description of the funds the State educational agency intends to use in accordance with subsection (a)(2) and how the funds will be used.

“(14) STATE REPORT CARD.—An assurance that the State will disseminate the informa-

tion, including school and school district level information, required in section 6304 to all parents in the State.

“(C) STATES THAT PLAN TO ADOPT MORE RIGOROUS STANDARDS AND ASSESSMENTS.—

“(1) IN GENERAL.—A State educational agency that does not meet the requirements of subsection (b)(2) or (3) may apply for and (subject to the limit on the number of States that may be approved under this part pursuant to subsection (a)) be granted waiver authority under paragraph (2) if the State educational agency—

“(A) meets the requirements of paragraph (1) and paragraphs (4) through (14) of subsection (b); and

“(B) includes a plan, satisfactory to the Secretary, to meet the requirements of subsection (b)(2) or (3).

“(2) WAIVER.—A State educational agency described in paragraph (1) whose application is approved under this part is authorized to waive statutory and regulatory requirements applicable to local educational agencies and schools (other than any such requirement described in subparagraphs (A) through (I) of subsection (a)(1)) under the following programs:

“(A) Part A of title I, other than for sections 1111 and 1116.

“(B) Subpart 3 of part B, and parts C, D, and F, of title I.

“(C) Subparts 2 and 3 of part A of title II.

“(D) Subpart 1 of part D of title II.

“(E) Part A of title III.

“(F) Subpart 1 of part A of title IV.

“(G) Part A of title V.

“(d) APPROVAL OF STATE STUDENT ACHIEVEMENT CONTRACTS.—

“(1) IN GENERAL.—Not later than 90 days after the receipt of a State student achievement contract application submitted by the State educational agency, the Secretary shall—

“(A) receive recommendations from the peer review panel established in paragraph (2); and

“(B) approve the State student achievement contract or provide the State educational agency with a written explanation of the reasons the State student achievement contract fails to satisfy a purpose, goal, or a requirement of this part.

“(2) PEER-REVIEW PROCESS.—In carrying out paragraph (1), the Secretary shall—

“(A) establish an independent peer review panel to evaluate, and make recommendations for approval or disapproval of, State student achievement contract applications; and

“(B) appoint individuals to the peer review panel who are—

“(i) knowledgeable of, and have expertise in, educational standards, assessments, and accountability; and

“(ii) representative of State educational agencies and organizations representing State agencies or Governors.

“(3) DISAPPROVAL OF CONTRACT.—If the Secretary disapproves a State's student achievement contract application, then the State educational agency shall have 60 days to re-submit a revised State student achievement contract. Subject to the 12 State educational agency limitation described in subsection (a), the Secretary shall approve the revised State student achievement contract within 60 days of receipt of the revised contract or provide the State with a written determination that the revised State student achievement contract fails to satisfy a purpose, goal, or requirement of this part.

“(e) AMENDMENT TO ACHIEVEMENT CONTRACT.—

“(1) IN GENERAL.—A State educational agency may submit to the Secretary amendments to the State student achievement contract, on an annual basis. The Secretary

shall submit the amendments to the peer review panel.

“(2) REVIEW OF AMENDMENT.—

“(A) IN GENERAL.—Not later than 60 days after the receipt of a proposed State student achievement contract amendment submitted by a State educational agency, the Secretary shall receive recommendations from the peer review panel and approve the amendment or provide the State educational agency with a written determination that the amendment fails to satisfy a purpose, goal, or requirement of this part.

“(B) TREATMENT AS APPROVED.—Each amendment for which the Secretary fails to take the action required in subparagraph (A) in the time period described in such subparagraph shall be considered approved.

#### “SEC. 6304. ANNUAL REPORTS.

“(a) IN GENERAL.—Not later than 1 year after the execution of a State student achievement contract under this part, and annually thereafter, each State educational agency executing such a contract shall disseminate widely to parents, the general public, and the Secretary, a report that includes a description, in an understandable manner, of how the State educational agency has used Federal funds under the contract to improve academic achievement, narrow the achievement gap, and improve educational opportunities for the disadvantaged. Each such report shall include—

“(1) information, in the aggregate, on student achievement at each proficiency target described in section 6303(b)(6) on the State academic assessments, disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

“(2) information that provides a comparison between—

“(A) the actual achievement levels of each group of students described in section 1111(b)(2)(C)(v); and

“(B) the State's annual measurable objectives for each such group of students on each of the academic assessments described in the educational objectives plan described in section 6303(b)(12);

“(3) the percentage of students not tested (disaggregated by the same categories and subject to the same exception described in paragraph (1));

“(4) the graduation rates for secondary school students (disaggregated by the same categories and subject to the same exception described in paragraph (1));

“(5) information on the performance of local educational agencies in the State regarding student academic achievement, including schools not meeting proficiency targets described in section 6303(b)(6);

“(6) the professional qualifications of teachers in the State, and the percentage of classes in the State not taught by a teacher meeting State qualifications, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this paragraph, means schools in the top quartile of poverty and the bottom quartile of poverty, respectively, in the State;

“(7) a description of improvement methods used to assist local educational agencies and schools in meeting the proficiency targets described in section 6303(b)(6); and

“(8) a description of the State's accountability system described in section 6303(b)(5), including a description of the criteria by



which the State evaluates school performance, and the criteria that the State has established to determine the progress of schools in meeting the goals established by the State.

“(b) SUBMISSION TO CONGRESS.—The Secretary shall submit the reports received under subsection (a) to Congress, together with any other information the Secretary considers appropriate.

**“SEC. 6305. PERFORMANCE REVIEW AND EARLY TERMINATION.**

“(a) REVIEW.—For each State having in effect a State student achievement contract under this part, the peer review panel established in section 6303(d)(2) shall carry out a review of the contract, after completion of the second school year of the contract, in order to—

“(1) determine whether the State has met the terms of the contract described in section 6303; and

“(2) make recommendations to the Secretary.

“(b) EARLY TERMINATION.—After taking into consideration the recommendations received under subsection (a)(2) from the peer review panel and after providing a State educational agency with notice and an opportunity for a hearing, the Secretary shall—

“(1) terminate a State student achievement contract, before the contract expires, if the State does not, for 3 consecutive school years, meet the terms of the contract described in section 6303; or

“(2) withhold funds under this Act.

**“SEC. 6306. EVALUATION.**

“(a) IN GENERAL.—The Secretary shall enter into a contract, with an independent organization outside of the Department, for a 5-year, rigorous, scientifically valid, quantitative evaluation of this part.

“(b) PROCESS.—The evaluation under subsection (a) shall be conducted by an organization that is capable of designing and carrying out an independent evaluation that identifies the effects of activities carried out by State educational agencies and local educational agencies under this part on improving student academic achievement.

“(c) ANALYSIS.—The evaluation under subsection (a) shall include an analysis of the following:

“(1) The implementation of activities assisted under this part and the impact of such implementation on increasing student academic achievement (particularly in schools with high concentrations of children living in poverty), relative to the goal of all students reaching the proficient level of academic achievement based on State academic assessments, challenging State academic content standards, and challenging State student academic achievement standards under section 6303.

“(2) Each participating State educational agency's method of identifying schools under 6303(b)(5)(C), including—

“(A) the impact on schools, local educational agencies, and the State;

“(B) the number of schools and local educational agencies so identified; and

“(C) the changes in the identification of schools and local educational agencies as a result of such identification.

“(3) How schools, local educational agencies, and participating States educational agencies have used the flexibility under section 6303(a) and Federal, State, and local educational agency funds and resources to support schools and provide technical assistance to improve the academic achievement of students in low-performing schools, including the impact of the technical assistance on such academic achievement.

“(4) The extent to which interventions described in section 6303(b)(5)(D) are imple-

mented by the participating State educational agencies and local educational agencies to improve the academic achievement of students in low-performing schools, and the effectiveness of the implementation of such interventions, including the following:

“(A) The number of schools and local educational agencies identified under section 6303(b)(5)(C) and how many years the schools or local educational agencies remain so identified.

“(B) The types of support provided by the State educational agency and local educational agency to schools and local educational agencies respectively, so identified, and the impact of such support on student academic achievement.

“(C) The implementation and impact of actions that are taken with regard to schools and local educational agencies under section 6303(b)(5)(D)(iii).

“(d) REPORTS.—

“(1) INTERIM REPORT.—Not later than 3 years after the date of enactment of the State Student Achievement Contracts Act, the Secretary shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, an interim report on the analysis conducted under this subsection.

“(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the State Student Achievement Contracts Act, the Secretary shall transmit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, a final report on the analysis conducted under this subsection.”

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of such Act (20 U.S.C. 6301 note) is amended—

(1) by redesignating the item relating to part C of title VI as the item relating to part D of title VI;

(2) by redesignating the items relating to sections 6301 and 6302 as the items relating to sections 6401 and 6402, respectively; and

(3) by inserting after the item relating to section 6324 the following:

**“PART C—STATE STUDENT ACHIEVEMENT CONTRACTS**

“Sec. 6301. Short title.

“Sec. 6302. Purpose.

“Sec. 6303. State student achievement contracts.

“Sec. 6304. Annual reports.

“Sec. 6305. Performance review and early termination.

“Sec. 6306. Evaluation.”

— U.S. SENATE,

Washington, DC, October 2, 2007.

Senator EDWARD KENNEDY,

Chairman, Senate Committee on Health, Education, Labor, and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN KENNEDY: As the Senate Committee on Health, Education, Labor and Pensions continues to consider legislative changes to the Elementary and Secondary Education Act, I am writing to express my concerns about efforts to further federalize control of decisions regarding education policy that are best made at the state and local level. Over the past 5 years, state and school district leaders, teachers, parents, and students have made great efforts to increase accountability and improve student achievement as they have worked to comply with the No Child Left Behind Act. I worry about efforts to inappropriately increase federal control of decisions regarding education policy that are best made at the state and local level in the name of greater accountability.

Unfortunately, in many respects, more mandates from Washington may also lead to less accountability. The worst outcome for this Congress would be to reauthorize the law with more federal control and less actual accountability.

I believe we have a responsibility to provide the utmost flexibility to states and local school districts, while still ensuring accountability for all students. Despite the common desire to use the power of Washington to override what we may think are bad decisions by individual states, we must refrain from acting as a national school board and imposing one-size-fits-all decisions from here in Washington. States must maintain the necessary flexibility to reach the broad goals we ask them to achieve; they should not be treated as experimental sites for our good ideas.

The past five years since enactment of NCLB have proven effective in transforming the landscape of education across the country, and we cannot afford to turn away from decades of standards based reform and the use of rigorous state assessments to measure school accountability. However, in light of recent proposals made public by the House Committee on Education and Labor, as well as those by many in the advocacy community, I am concerned about the desire to exert greater federal control over decisions best left at the state and local level at the expense of accountability. I am particularly concerned about the following concepts.

Federally Mandated ‘n’ Size: I believe that we should continue to allow states to set uniform ‘n’ sizes for accountability. An ‘n’ size is the minimum number of students that must be present in a group or subgroup before a school has to be held accountable for that group's academic progress. Proposals have been put forth to establish a maximum ‘n’ size for accountability purposes. States currently have ‘n’ sizes ranging from 5 to 200. I understand the intent of such proposals given isolated abuses of the provision by individual states. But the law gives states flexibility to take into account various elements such as the complexity of the state data system, the diversity of the student population, school size, district size, the rigor of state assessments, and other factors when making decisions about their use of an ‘n’ size. Mandating a maximum number from Washington not only runs afoul of the intended state-level decision making in the law, but may jeopardize statistical reliability in some states. Moreover, by legislating a number that may be significantly higher than some states have already set, we may be sending a mixed signal and encouraging those states to set higher ‘n’ sizes and thus reduce accountability in their states.

Federally Mandated Confidence Intervals: I believe that we should continue to allow states to establish confidence intervals on their data. A confidence interval, similar to a margin of error on a poll, is another statistical methodology to ensure the reliability of data. States currently have confidence intervals that range between 95 percent and 99 percent, and some use other figures for measuring growth, safe harbor, and other decisions. States are responsible for setting these numbers and including them in their state plan which was reviewed by the U.S. Department of Education. Mandating a specific number from Washington would again reduce flexibility for each state to take into account the special circumstances within its borders and develop a comprehensive data plan based on those circumstances. A federal mandate could also lead to the unintended consequence of reducing accountability in those states that would face internal pressure to lower their standards to meet whatever level is placed in the statute.

**Adequate Yearly Progress:** I believe that we should allow states to use growth models based on reaching 'proficient' targets to measure progress. One of the driving forces behind No Child Left Behind, and its primary success, is the focus across the country toward getting all students to a 'proficient' level of achievement by the 2013-2014 school year. This is a tough goal, and one that we know many schools find difficult to achieve. As a nation we tend to set high goals, almost unachievable goals, and then work hard to try to reach them. Because of the rigor of the 2013-2014 goal, proposals have been put forth to give schools credit for students reaching 'basic' levels of achievement as opposed to 'proficient' achievement. This should be considered a wholesale retreat from the core principle of the law of accountability for all students.

'Basic' performance on a test is usually not considered sufficient to ensure high school graduation or attain college enrollment without remediation. I support giving states and school districts flexibility to meet the overriding goal of getting all students to 'proficient' levels of achievement. To do that we should follow the lead of states like North Carolina, Tennessee, Delaware, and Maryland and allow states to use growth models to track individual progress over time towards proficiency.

**Early Childhood Program:** I believe that we should not create a duplicative early childhood program that would compete with the existing federal programs. Before asking what a new federal early childhood program should look like, we should be asking whether current programs are adequately funded and whether they are effective. According to the General Accountability Office there are 69 early childhood education and care programs, administered by 10 different federal agencies, receiving over \$20 billion. We should be looking at how we enhance the efficiency of these programs before we layer another on.

**High School Reform:** I believe that Congress should authorize a competitive program with a matching requirement to states to help them reform our nation's high schools and that it would be a mistake to mandate specific reforms from Washington on all our nation's high schools. Tremendous effort is underway at the state and local level to transform our nation's high schools. Many of our nation's governors and school district officials are working diligently with philanthropic organizations like the Gates Foundation and Broad Foundation to learn how to improve high schools and build on successful research to develop promising models of reform. While there is some valuable research that shows some promising methods, it is inappropriate for Congress to assume that there is a limited set of choices on how to transform our nation's high schools. Instead of prescribing a limited set of reforms and mandating those reforms upon the states, we should find ways to encourage these continued efforts at the state and local level. It would be preferable to offer a competitive program where the states or local school districts find matching resources from the business community or philanthropic organizations, rather than develop a limited formula program that tries to proscribe reform without sufficient resources to actually provide it.

**High School Graduation:** I believe that Congress should not put into law a complex definition or graduation outcome requirements that interferes with current state leadership efforts on improving high school graduation results. Our nation faces significant problems with low high school graduation rates and poor student performance in our nation's postsecondary education insti-

tutions. State and local educational leaders are working diligently to address those problems. But proposals have been put forth to improve high school graduation rates by imposing a complex definition and goal setting process that do not reflect the efforts already underway.

We should instead allow states to develop their own goals for improving high school graduation rates as part of their comprehensive state plan. We must be mindful of the leadership already being offered by the states. The National Governors Association has demonstrated strong commitment towards developing a uniform definition of graduation rate, and Congress should not interfere or override those efforts. If Congress were to override the efforts already being taken by the NGA, or override the efforts of individual governors in working with such leaders as the Diploma Project, we would lose valuable years of work and effort by leaders in the states.

I understand that staff discussions have been ongoing for several months regarding proposals for the reauthorization of the Elementary and Secondary Education Act, and that many of these areas are still open for improvement. I appreciate the hard work and diligent effort of the staff, but I hope to have at least ten business days to review any final draft legislation so that I can consult with education leaders in my state and across the country so that I can provide suggested comments and revisions before this Committee is to markup a bill. It would be helpful for me to have that opportunity as I determine whether the bill meets my priorities for ensuring state and local control of education decisions.

Thank you for your consideration.

Sincerely,

LAMAR ALEXANDER,  
U.S. Senator.

By Mr. BROWN (for himself and Mr. HATCH):

S. 2313. A bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, I am introducing the Strategies to Address Antimicrobial Resistance Act. This bill, also known as the STAAR Act, is meant to reinvigorate efforts to combat antimicrobial resistance—efforts that accelerated in the late 90s but then stalled.

I want to thank Senator HATCH for his leadership on this issue and for introducing this bill with me. I look forward to working with him to ensure its passage.

Antibiotics are the cornerstone of modern medicine, relied on to treat countless diseases and responsible for some of the great advances in public health in the 20th century. But over time, bacteria, viruses, and other pathogens have mutated to develop resistance to antibiotic drugs. This is a dangerous setback for modern medicine. Infections caused by drug-resistant bacteria can cause serious, prolonged, and debilitating illnesses, and even death.

Methicillin-resistant *Staphylococcus aureus*, MRSA, is a drug resistant infection that can be contracted not only in hospitals but in community settings such as gyms and playgrounds. A study

that was published in the Journal of the American Medical Association last month projected that the number of deaths from MRSA exceeded the number from AIDS in 2005. That statistic alone should be a wake-up call for America. We need to respond quickly to this problem, because it will only grow worse with time.

We are creating these deadly infections. We create them by using antibiotics when we do not need to and by not following through on the full regimen of antibiotic therapies as prescribed. More consistent and thorough hand washing in health care settings can also make a huge difference.

Several of our Government agencies are involved in efforts to address antimicrobial resistance. However, we need more coordination among all the federal agencies involved. This bill seeks to facilitate that coordination by establishing an Office of Antimicrobial Resistance at the Department of Health and Human Services. The bill also reauthorizes an interagency task force that has already done significant legwork on this issue so that, spearheaded by the coordinating office, Federal agencies can turn that legwork into action. The STAAR Act calls for a comprehensive research plan that would identify knowledge gaps and recommend strategies for filling those gaps. It would significantly improve surveillance by establishing a multi-site surveillance network and working to ensure uniformity in State collection of antimicrobial resistance data.

Drug-resistant infections set back the clock on medical progress. They cost money and more importantly, they take lives. We need to take antimicrobial resistance seriously and fight it with as much passion as we fight any potential killer.

Mr. HATCH. Mr. President, as recent events in neighboring Virginia have made all too clear, this country faces a number of troubling questions about whether we are prepared to address the growing problem of drug-resistant, bacterial infections. Indeed, while recent media reports have raised the visibility of this issue, infectious disease doctors have been sounding the alarm for years.

Now, Senator BROWN and I are sounding the alarm as well.

Data from the Centers for Disease Control and Prevention show that resistant strains of infections have spread rapidly. This alarming trend continues to grow and treatment options are sorely lacking.

Senator BROWN and I have collaborated to develop legislation that takes a science-based approach to this problem. This legislation, the Strategies to Address Antimicrobial Resistance Act or STAAR Act S. 2313, should be seen as a measure to catalyze a greater Government focus on a frightening, growing, public health problem which should be of concern to each and every one of us in this Nation.

One of the things that Senator BROWN and I have found in our considerable study of this issue is that there is not adequate infrastructure developed within the Government to collect the data, to coordinate the research, and to conduct the surveillance necessary to stop drug-resistant infections in their tracks.

We believe that jump-starting a greater, stronger, organizational focus at the Department of Health and Human Services will help our Government and our scientists develop an infrastructure that can grow as science develops.

At the same time, we make perfectly clear that our bill is not the sole answer to the complex, vexing problem of antibiotic resistance. At a minimum we need better testing, better hospital controls, better medications, and better funding to support these efforts, particularly the work of the Centers for Disease Control and Prevention.

The Infectious Diseases Society of America, the Institute of Medicine, the Resources for the Future, the Centers for Disease Control, and many others have been sounding the alarm about the growing threat from resistant microorganisms.

Congress must listen.

In fact, it is its seminal report, "Bad Bugs, No Drugs", the Infectious Diseases Society, IDSA, said:

Drug-resistant bacterial infections kill tens of thousands of Americans every year and a growing number of individuals are succumbing to community-acquired infections. An epidemic may harm millions. Unless Congress and the Administration move with urgency to address these infections now, there is a very good chance that U.S. patients will suffer greatly in the future.

Indeed, the seminal IDSA report points out a number of compelling facts.

As the report notes, infections caused by resistant bacteria can strike anyone, young and old, rich or poor, healthy or ill. However, the problem of antibiotic resistance is especially acute for patients with compromised immune systems, such as persons living with HIV/AIDS.

The scope of the problem is equally of note. As IDSA has calculated, about 2 million people acquire bacterial infections in U.S. hospitals each year and as many as 90,000 die as a result. More and more, public health experts are finding infections developed in the home or community as well. Infections in both settings are increasing, and the resultant drug resistance shows no sign of lessening.

This is a costly problem, costly for patients, for society, and potentially threatening to our global security.

And, in fact, health care providers are running out of treatments as the resistance problem grows.

Nobel Laureate Joshua Lederberg said it well: "We are running out of bullets for dealing with a number of bacterial, infections. Patients are dying because we no longer in many cases have antibiotics that work."

Indeed, last week, noted Utah infectious disease expert Dr. Andy Pavia told me about a 14-year-old boy he had treated who had bone, muscle and lung infections from MRSA, an aggressive, difficult to treat, form of staph that has spread rapidly within communities. Half of the children he sees with severe MRSA infections acquired their infection at home.

This young man, Dr. Pavia relates, was forced to undergo multiple surgeries and 6 weeks of intravenous antibiotics. MRSA infections are steadily increasing in Utah, as well as across all other States.

Fortunately, that young man is on the road to recovery. But the statistics indicate it is just as likely that he would not be.

We are not only talking about MRSA. Dr. Pavia also cites the real crisis growing with resistant gram-negative bacteria, which he calls the "Rodney Dangerfield of the infectious disease world"—in other words, "it don't get no respect."

We are also seeing increases in extensively drug-resistant, XDR, tuberculosis. There are numerous reports of soldiers returning home from Iraq with *Acinetobacter*—a resistant infection that is especially difficult to treat, and the only option is a very toxic antibiotic.

Senator BROWN and I have worked on this issue for many months, starting with our collaboration on provisions in the Food and Drug Act Amendments recently signed into law by the President. We are also working with our colleagues in the House, foremost among them Utah Congressman JIM MATHE-SON, author of the House STAAR Act.

Our conclusion is that the solutions to this problem are manifold, but they must start with a stronger Government effort. That is the genesis of the STAAR Act.

Let me review briefly what our legislation does.

The bill makes a series of congressional findings which layout the problem and the need to address it.

In particular, we note that while the advent of the antibiotic era has saved millions of lives and allowed for incredible medical progress, the increased use and overuse of antimicrobial drugs have correlated with an increase in the rates of antimicrobial resistance.

An important component to this problem is the fact that scientific evidence suggests the source of antimicrobial resistance in people is not only the overuse of human drugs, but also it may be from food-producing animals, which are exposed to antimicrobial drugs.

As scientists have found, nearly 70 percent of hospital-acquired bacterial infections in the U.S. are resistant to at least one drug; in some cases, the rate is much higher. In fact, each year nearly 2 million people contract bacterial infections in the hospital, and it is estimated that 90,000 of them die from the infections.

There seem to be no recent data on the costs associated with this problem, but a 1995 report by the Office of Technology Assessment found that six different antimicrobial-resistant strains of bacteria accounted for \$1.3 billion in nationwide hospital costs—almost \$1.9 billion in 2006 dollars!

Here is how our bill attempts to address the problems I have just laid out.

First, the bill establishes a new Office of Antimicrobial Resistance in the Department of Health and Human Services. That Office will work with the Task Force to issue biennial updates to the Public Health Action Plan to Combat Antimicrobial Resistance, including enhanced plans for addressing the problem here and abroad. As appropriate, the Office's Director will establish benchmarks for achieving the plan's goals, assess patterns of antimicrobial resistance emergence and their impact on clinical outcomes, determine how antimicrobial products are being used in humans, animals and plants, and recommend where additional federally-supported studies may be beneficial.

Second, we renew the Antimicrobial Resistance Task Force authorized in section 319E of the Public Health Service Act. The Task Force, whose authorization lapsed last year, is comprised of representatives from the following Federal agencies and offices, plus any others the Secretary deems necessary: the new Office of Antimicrobial Resistance established in the bill; the Assistant Secretary of Preparedness and Response; the Centers for Disease Control; the Food and Drug Administration; the National Institutes of Health; the Agency for Healthcare Research and Quality; the Centers for Medicare & Medicaid Services; the Health Resources and Services Administration; the Environmental Protection Agency; and the Departments of Agriculture, Education, Defense, Veterans Affairs, Homeland Security, and State.

It is important to note that Senator BROWN and I gave careful consideration to the location of this new Office.

We considered locating it at the CDC, the Office of the Assistant Secretary for Health (OASH), and in the Office of the Secretary, OS. There are benefits and drawbacks to each. Indeed, had OASH its previous organizational structure, that is, line authority over the Public Health Service agencies, that decision would have been easy. But since a change was made many years ago to devolve most of the OASH functions to the separate PHS agencies, OASH was not the natural locus for the new Office, we decided. Our final conclusion was that it was most appropriate to locate the new office in OS, both for reasons of prominence and flexibility.

Third, S. 2313 establishes a Public Health Antimicrobial Advisory Board, a panel of outside experts who will advise the Secretary on ways to encourage an adequate supply of antimicrobial products that are both safe

and effective; help determine what research priorities should be, what data and surveillance are necessary to be collected, and assess how the action plan can be updated and strengthened.

It is very important to Senator BROWN, if I may speak for him, and to me that our measure be seen as a collaborative effort that draws on the strengths of existing organizations and catalyzes their efforts for greater good.

So, fourth, our bill requires the Secretary—working through the new Office, the CDC and the NIH, in consultation with other appropriate agencies—to develop a antimicrobial resistance strategic research plan that strengthens existing epidemiological, interventional, clinical, behavioral, translational and basic research efforts to advance our understanding of the emergence of resistance and how best to address it.

Fifth, the bill authorizes establishment of at least 10 Antimicrobial Resistance Clinical Research and Public Health Network sites, geographically dispersed across the U.S. The sites will monitor the emergence of resistant pathogens in individuals, study the epidemiology of such pathogens and evaluate the efficacy of interventions, and study problems associated with antimicrobial use. In addition, we are asking the network to assess the feasibility, cost-effectiveness, and appropriateness of surveillance and screening programs in differing health care and institutional settings, such as schools, and evaluate current treatment protocols and make appropriate recommendations on best practices for treating drug resistant infections. It is my hope the network will be able to take into account successful models for surveillance and screening such as inpatient programs of the Veterans Health Administration, work done in States such as Illinois, New York and the Utah Aware program, and experience overseas in countries such as the Netherlands, Denmark and Finland. Our bill authorizes \$45 million for these networks in fiscal year 2008, \$65 million next year, and \$120 million in fiscal year 2010.

Finally, I would like to speak about data collection activities in S. 2313.

It has become obvious to me that there is a pressing need for better surveillance of antibiotic resistance and better data collection that is shared both within States and across States. From my long work on public health issues, it is equally clear to me that there is a need for the government to give guidance—guidance, not a mandate—on uniform ways in which those data should be collected so that all of the agencies are talking the same talk, so speak.

Our bill asks the Office of Antimicrobial Research to work with the Task Force and member agencies to develop those uniform standards for data collection. In drafting S. 2313, Senator BROWN and I were very sensitive to the jurisdictional needs of other Commit-

tees. At the same time, it is clear that any serious effort to address antimicrobial resistance must be spread across the many agencies of Government, each of which has a role to play in our collaborative effort. It is for that reason that our bill asks the Office and Task Force to work with the other agencies, some of which do not fall within the jurisdiction of the HELP Committee. If this language needs to be strengthened as consideration of S. 2313 progresses, it is our hope to work with the other committees which have an interest in the bill.

A second issue related to data collection is the fact that there is a pressing need for epidemiologists and other public health experts to begin to see data showing how many antibiotics are being distributed and used by patients so that they can evaluate the amount of resistance that is emerging. In writing our bill, we were sensitive to the need to provide scientists with these data, while at the same time working to make any new reporting provisions the least burdensome possible, while protecting both the national security and propriety aspects of those data. For that reason, our bill builds on current reporting to the FDA of pharmaceutical distribution data. Those data are currently submitted by manufacturers on the anniversary date of the product's approval. Our bill would move that reporting date to 60 days after the beginning of each calendar year, thus allowing epidemiologists to compare data from year to year. Our second concern, that of potentially harmful release of data, was addressed in the following way. Our bill precludes the release of data which are proprietary in nature and whose release could have the perverse result of providing a disincentive to antibiotic development. This strong section, section 7 of the bill, also precludes release of data which could be harmful to our national defense.

In closing, I wish to commend S. 2313 to my colleagues and ask for their serious consideration of this measure. For those who doubt the need for this legislation, if there are any doubters among us, I ask the following questions:

Where do we begin to get serious to address this concern?

Where do we begin to recognize that it will take literally years to develop an effective response?

What are we doing to develop the collaboration across agencies to assure the American public we are developing an action plan to combat the problem?

It is our hope that STAAR Act will begin to catalyze that response.

That is the motive behind our introduction of this legislation.

We look forward to working with our colleagues on the Health, Education, Labor and Pensions Committee as consideration of this legislation begins and we remain available to our colleagues to answer any questions or concerns they may have about this legislation.

By Mr. SALAZAR (for himself,  
Mr. INHOFE, and Mr. TESTER):

S. 2314. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes; to the Committee on Finance.

Mr. SALAZAR. Mr. President, today I am joining my colleague Senator INHOFE in introducing the bipartisan Geothermal Heat Pump Development Act of 2007, which would provide American homes and businesses with tax credits to promote greater use of geothermal heat pumps, GHPs. Geothermal heat pumps are electrically-powered devices that use the earth's natural heat storage ability to heat and cool homes and meet energy demands.

Buildings account for 39 percent of the primary energy consumption in the U.S. and 71 percent of U.S. electricity consumption. The lion's share of this energy usage is for heating, cooling, and hot water. Making our buildings more energy efficient will therefore pay large energy dividends. According to the Environmental Protection Agency, GHPs are the most energy-efficient and environmentally clean space-conditioning systems currently in use. GHPs can reduce site energy consumption for climate control and water heating by as much as 40 percent compared to air-source heat pumps and as much as 70 percent compared to a fossil fuel heating system and air-conditioner.

However, in the absence of Federal tax credits to help mitigate the comparatively high installation costs associated with geothermal heat pump systems, American homeowners and businesses are reluctant to tap into this reliable technology. The SALAZAR-INHOFE bill would help overcome these cost barriers by amending current tax code to make geothermal heat pump systems eligible for the energy tax credit and the residential energy efficient property tax credit, for businesses and consumers, respectively.

Specifically, businesses could claim an investment tax credit in the amount of 10 percent of the installed cost of a new geothermal heat pump system, and could claim an accelerated 3-year depreciation on such equipment. For example, a business owner that spends \$30,000 on a new GHP system would get a \$3,000 tax credit and the accelerated depreciation provision would allow that business greater flexibility in reporting this capital expense. Consumers could claim a credit in the amount of 30 percent of the installed cost of a new geothermal heat pump system up to a maximum credit of \$2,000, so that, for example, a home owner who purchases a \$15,000 GHP system would receive a \$2,000 tax credit. This consumer tax credit would be allowable against the alternative minimum tax.

Geothermal heat pumps are proven renewable energy technologies with significant energy efficiency gains and

long-term cost-savings potential compared to conventional climate control systems. Geothermal heat pumps typically cost more than twice as much as a conventional fossil fuel furnace, but GHPs' impressive efficiency gains allow a home or business owner to recoup their up-front costs within about ten years.

Since their introduction in the 1980s, over 1 million GHPs have been installed in a wide variety of buildings, and in a diverse range of climates, across the U.S. Senator INHOFE and I are optimistic that the widespread adoption of geothermal heat pumps will not only save energy, but also create good local jobs. Because GHP systems can be deployed virtually anywhere, the demand for qualified engineers who can install and maintain these systems would surely expand.

Geothermal heat pumps should be an important element of our efforts to enhance our buildings' energy efficiency. By making it easier for American homes and business to embrace these extremely effective energy technologies, we will help develop a more secure, efficient and sustainable domestic energy program founded on clean, renewable and reliable energy alternatives.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 367—COMMEMORATING THE 40TH ANNIVERSARY OF THE MASS MOVEMENT FOR SOVIET JEWISH FREEDOM AND THE 20TH ANNIVERSARY OF THE FREEDOM SUNDAY RALLY FOR SOVIET JEWRY ON THE NATIONAL MALL

Mr. LIEBERMAN (for himself, Mr. SPECTER, Mr. SMITH, Mr. VOINOVICH, Mr. BIDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. CONRAD, Mr. MARTINEZ, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. CARDIN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 367

Whereas Jews living in the former Soviet Union were an oppressed cultural minority who faced systematic, state-sponsored discrimination and difficulties in exercising their religion and culture, including the study of the Hebrew language;

Whereas, in 1964, the American Jewish Conference on Soviet Jewry (AJCSJ) was founded to spearhead a national campaign on behalf of Soviet Jewry;

Whereas, in 1964, the Student Struggle for Soviet Jewry was founded to demand freedom for Soviet Jewry;

Whereas, in 1964, thousands of college students rallied on behalf of Soviet Jewry in front of the United Nations;

Whereas Israel's victory in the 1967 Six-Day War inspired Soviet Jews to intensify their efforts to win the right to emigrate;

Whereas, in 1967, the Soviet Union began an anti-Zionist propaganda campaign in the state-controlled mass media and a crackdown on Jewish autonomy, galvanizing a mass advocacy movement in the United States;

Whereas the Union of Councils for Soviet Jewry was founded in 1970 as a coalition of local grassroots "action" councils supporting freedom for the Jews of the Soviet Union;

Whereas, in 1971, the severe sentences, including death, meted out to 9 Jews from Leningrad who attempted to hijack a plane to flee the Soviet Union spurred worldwide protests;

Whereas, in 1971, the National Conference on Soviet Jewry (NCSJ) succeeded the AJCSJ;

Whereas, in 1971, mass emigration of Jews from the Soviet Union began;

Whereas, in 1974, Senator Henry "Scoop" Jackson and Congressman Charles Vanik successfully attached an amendment to the Trade Act of 1974 linking trade benefits, now known as Normal Trade Relations, to the emigration and human rights practices of Communist countries, including the Soviet Union;

Whereas, in 1975, President Gerald R. Ford signed into law the Jackson-Vanik amendment to the Trade Act of 1974, after both houses of Congress unanimously backed it;

Whereas, in 1978, the Congressional Wives for Soviet Jewry was founded;

Whereas, in 1982, President Ronald Reagan signed into law House Joint Resolution 373 (subsequently Public Law 97-157), expressing the sense of the Congress that the Soviet Union should cease its repressive actions against those who seek the freedom to emigrate or to practice their religious or cultural traditions, drawing special attention to the hardships and discrimination imposed upon the Jewish community in the Soviet Union;

Whereas, in 1983, the bipartisan Congressional Human Rights Caucus was founded to advance the cause of human rights;

Whereas, in 1984, the Congressional Coalition for Soviet Jews was founded;

Whereas, on December 6, 1987, an estimated 250,000 people demonstrated on the National Mall in Washington, DC in support of freedom for Soviet Jews, in advance of a summit between Mikhail Gorbachev and President Reagan;

Whereas, in 1989, the former Soviet Union opened its doors to allow the millions of Soviet Jews who had been held as virtual prisoners within their own country to leave the country;

Whereas, in 1991, the Supreme Soviet passed a law that codified the right of every citizen of the Soviet Union to emigrate, precipitating massive emigration by Jews, primarily to Israel and the United States;

Whereas, since 1975, more than 500,000 refugees from areas of the former Soviet Union—many of them Jews, evangelical Christians, and Catholics—have resettled in the United States;

Whereas the Soviet Jewish community in the United States today numbers between 750,000 and 1,000,000, though some estimates are twice as high;

Whereas Jewish immigrants from the former Soviet Union have greatly enriched the United States in areas as diverse as business, professional sports, the arts, politics, and philanthropy;

Whereas, in 1992, Congress passed the Freedom Support Act, making aid for the 15 independent states of the former Soviet Union contingent on progress toward democratic self-government and respect for human rights;

Whereas, since 2000, more than 400 independent Jewish cultural organizations and 30 Jewish day schools have been established in the independent states of the former Soviet Union; and

Whereas the National Conference on Soviet Jewry and its partner organizations continue

to work to promote the safety and human rights of Jews in the independent states of the former Soviet Union: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significant contributions of American citizens of Jewish descent who emigrated from the Soviet Union;

(2) commemorates the 40th anniversary of the mass movement for freedom by and on behalf of Soviet Jewry;

(3) commemorates the 20th anniversary of the December 6, 1987, Freedom Sunday rally, a major landmark of Jewish activism in the United States; and

(4) condemns incidents of anti-Semitism, xenophobia, and religious persecution wherever they may occur in the independent states of the former Soviet Union and encourages the development and deepening of democracy, religious freedom, rule of law, and human rights in those states.

#### SENATE RESOLUTION 368—EXPRESSING THE SENSE OF THE SENATE THAT, AT THE 20TH REGULAR MEETING OF THE INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS, THE UNITED STATES SHOULD PURSUE A MORATORIUM ON THE EASTERN ATLANTIC AND MEDITERRANEAN BLUEFIN TUNA FISHERY TO ENSURE CONTROL OF THE FISHERY AND FURTHER FACILITATE RECOVERY OF THE STOCK, PURSUE STRENGTHENED CONSERVATION AND MANAGEMENT MEASURES TO FACILITATE THE RECOVERY OF THE ATLANTIC BLUEFIN TUNA, AND SEEK A REVIEW OF COMPLIANCE BY ALL NATIONS WITH THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS' CONSERVATION AND MANAGEMENT RECOMMENDATION FOR ATLANTIC BLUEFIN TUNA AND OTHER SPECIES, AND FOR OTHER PURPOSES

Mr. KERRY (for himself, Ms. SNOWE, and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 368

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin tuna stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degrees west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas, despite scientific recommendations intended to maintain bluefin tuna populations at levels that will permit the maximum sustainable yield and ensure the future of the stocks, the total allowable catch quotas have been consistently set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of fishing quotas based on total allowable catch levels for the eastern Atlantic and Mediterranean bluefin tuna fishery that exceed scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, most recently with harvests exceeding such total allowable catch levels by more than 50 percent for each of the last 4 years;

Whereas insufficient data reporting in combination with unreliable national catch statistics has frequently undermined efforts by the Commission to assign quota overharvests to specific countries;

Whereas the failure of many Commission members fishing east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2006 report that the fishing mortality rate for the eastern Atlantic and Mediterranean stock may be more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level, and continuing to fish at the level of recent years "is expected to drive the spawning biomass to a very low level" giving "rise to a high risk of fishery and stock collapse";

Whereas the Standing Committee has recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced from 32,000 metric tons to approximately 15,000 metric tons to halt decline of the resource and initiate rebuilding, and the United States supported this recommendation at the 2006 Commission meeting;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and initial information indicates that implementation of the plan in 2007 by many eastern Atlantic and Mediterranean bluefin tuna harvesting countries has been poor;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, and these recommendations have been implemented by Nations fishing west of 45 degrees west longitude, including the United States,

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic

bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low;

Whereas many scientists believe that mixing occurs between the western Atlantic bluefin tuna stock and the eastern Atlantic and Mediterranean stock, and as such, poor management and noncompliance with recommendations for one stock are likely to have an adverse effect on the other stock;

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks and other fisheries, which will assist in the conservation, recovery, and management of the species throughout its range; Now, therefore, be it

*Resolved, by the Senate* That it is the sense of the Senate that the United States delegation to the 20th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) seek the adoption of a harvesting moratorium, which includes appropriate mechanisms to ensure compliance, on the eastern Atlantic and Mediterranean bluefin tuna fishery of sufficient duration to begin the process of stock recovery and allow for the development and implementation of an effective program of monitoring and control on the fishery when the moratorium ends;

(2) seek to strengthen the conservation and management of the eastern Atlantic and Mediterranean bluefin tuna by making recommendations to halt the decline of the stock and begin to rebuild it;

(3) reevaluate the implementation, effectiveness, and relevance of the Commission recommendation entitled "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), and seek from Commission members that have failed to fully implement the terms of the recommendations detailed justification for their lack of compliance;

(4) pursue a review and assessment of compliance with conservation and management measures adopted by the Commission and in effect for the 2006 eastern Atlantic and Mediterranean bluefin tuna fishery, occurring east of 45 degrees west longitude, and other fisheries that are subject to the jurisdiction of the Commission, including data collection and reporting requirements;

(5) seek to address noncompliance by parties to the Convention with such measures through appropriate actions, including, as appropriate, deducting a portion of a future quota for a party to compensate for such party exceeding its quota in prior years; and

(6) pursue additional research on the relationship between the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks and the extent to which the populations intermingle.

#### SENATE RESOLUTION 369—DESIGNATING NOVEMBER 25, 2007, AS "DRIVE SAFER SUNDAY"

Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone traveling on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas, according to the National Highway Traffic Safety Administration, wearing a seat belt saved 15,434 lives in 2004, 15,632 lives in 2005, and 15,383 lives in 2006;

Whereas Secretary of Transportation Mary Peters wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved, That the Senate—*

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 25, 2007, as "Drive Safer Sunday".

#### SENATE RESOLUTION 370—SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY EACH YEAR

Mrs. DOLE (for herself and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to:

S. RES. 370

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the American people owe the security of the Nation to those who have defended it;

Whereas, on Memorial Day each year, the Nation honors those who have lost their lives in service to the Nation;

Whereas, on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas the observance of Memorial Day and Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas section 116(a) of title 36, United States Code, provides that "The last Monday in May is Memorial Day" and section 116(b) of that title requests the President to issue a proclamation each year calling on the people of the United States to observe Memorial Day by praying, according to their individual religious faith, for permanent peace, designating a period of time on Memorial Day during which the people may unite in prayer for a permanent peace, calling on the people of the United States to unite in prayer at that time, and calling on the media to join in observing Memorial Day and the period of prayer;

Whereas section 4 of the National Moment of Remembrance Act (Public Law 106-579) provides, "The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the 'National Moment of Remembrance'"; and



Whereas Section 6103(a) of title 5, United States Code, provides that "Memorial Day, the last Monday in May" and "Veteran's Day, November 11" are legal public holidays: Now, therefore, be it

*Resolved, That the Senate*

(1) encourages the people of the United States to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection; and

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3502. Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3503. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3504. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3505. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3506. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUE) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3507. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3508. Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3509. Mr. REID proposed an amendment to amendment SA 3508 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3510. Mr. REID proposed an amendment to the bill H.R. 2419, supra.

SA 3511. Mr. REID proposed an amendment to amendment SA 3510 proposed by Mr. REID to the bill H.R. 2419, supra.

SA 3512. Mr. REID proposed an amendment to the bill H.R. 2419, supra.

SA 3513. Mr. REID proposed an amendment to amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, supra.

SA 3514. Mr. REID proposed an amendment to amendment SA 3513 proposed by Mr. REID to the amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, supra.

SA 3515. Mr. STEVENS (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3516. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3517. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3518. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3519. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3520. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3521. Mr. CASEY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3522. Mr. CASEY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3523. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3524. Ms. MIKULSKI (for herself and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3525. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3526. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3527. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3528. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3529. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3530. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3531. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3532. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3533. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3534. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3535. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3536. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3537. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3538. Mr. AKAKA (for himself, Mr. KERRY, Mr. STEVENS, Mr. FEINGOLD, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3539. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3540. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3541. Mr. CRAIG (for himself, Mr. AL-LARD, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3542. Mr. DOMENICI (for himself, Mr. THUNE, Mr. NELSON, of Nebraska, Mr. JOHNSON, Mr. GRASSLEY, Mr. CRAIG, Mr. SALAZAR, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3543. Ms. STABENOW (for herself, Mr. DOMENICI, Mr. CASEY, Mr. LEVIN, Mr. SANDERS, Mrs. BOXER, Mr. BINGAMAN, Mr. COLEMAN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3502.** Mr. WYDEN (for himself, Mr. ALEXANDER, Mr. KERRY, Mr. FEINGOLD, Mr. BINGAMAN, Mr. SUNUNU, Mr. DODD, Ms. STABENOW, Mr. BIDEN, Ms. CANTWELL, Mrs. MURRAY, Ms. SNOWE, Mr. BAUCUS, and Mr. SALAZAR) submitted an amendment intended to be

proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 82. PREVENTION OF ILLEGAL LOGGING PRACTICES.**

The Lacey Act Amendments of 1981 are amended—

(1) in section 2 (16 U.S.C. 3371)—

(A) by striking subsection (f) and inserting the following:

“(f) PLANT.—

“(1) IN GENERAL.—The term ‘plant’ means any wild member of the plant kingdom, including roots, seeds, parts, and products thereof.

“(2) EXCLUSIONS.—The term ‘plant’ excludes any common food crop or cultivar that is a species not listed—

“(A) on the most recent appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249); or

“(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).”;

(B) in subsection (h), by inserting “also” after “plants the term”; and

(C) by striking subsection (j) and inserting the following:

“(j) TAKE.—The term ‘take’ means—

“(1) to capture, kill, or collect; and

“(2) with respect to a plant, also to harvest, cut, log, or remove.”;

(2) in section 3 (16 U.S.C. 3372)—

(A) in subsection (a)—

(i) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) any plant—

“(i) taken, transported, possessed, or sold in violation of any law or regulation of any State or any foreign law that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking of plants without, or contrary to, required authorization;

“(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required by any law or regulation of any State or any foreign law; or

“(iii) exported or transshipped in violation of any law or regulation of any State or any foreign law; or”;

(ii) in paragraph (3), by striking subparagraph (B) and inserting the following:

“(B) to possess any plant—

“(i) taken, transported, possessed, or sold in violation of any law or regulation of any State or any foreign law that protects plants or that regulates—

“(I) the theft of plants;

“(II) the taking of plants from a park, forest reserve, or other officially protected area;

“(III) the taking of plants from an officially designated area; or

“(IV) the taking of plants without, or contrary to, required authorization;

“(ii) taken, transported, or exported without the payment of royalties, taxes, or stumpage fees required by any law or regulation of any State or any foreign law; or

“(iii) exported or transshipped in violation of any law or regulation of any State or any foreign law; or”;

(B) by adding at the end the following:

“(f) PLANT DECLARATIONS.—

“(1) IN GENERAL.—Effective 180 days from the date of enactment of this subsection and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation where clearance is requested a declaration that contains—

“(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

“(B) a description of—

“(i) the value of the importation; and

“(ii) the quantity, including the unit of measure, of the plant; and

“(C) the name of the country from which the plant was taken.

“(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

“(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product; and

“(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than 1 country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken.

“(3) EXCLUSIONS.—The declaration requirements of paragraphs (1) and (2) shall not apply to plants used exclusively as wood and paper packaging materials used to support, protect, or carry a commodity, unless the wood and paper packaging materials are the commodity being imported.

“(4) REVIEW.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement described in paragraphs (1) and (2).

“(B) REVIEW OF EXCLUDED WOOD AND PAPER PACKAGING MATERIALS.—The Secretary—

“(i) shall, in conducting the review under subparagraph (A), consider the effect of excluding the materials described in paragraph (3); and

“(ii) may limit the scope of the exclusions under paragraph (3) if the Secretary determines, based on the review, that the limitations in scope are warranted.

“(5) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

“(i) an evaluation of—

“(I) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of section 3; and

“(II) the potential to harmonize each requirement described in paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

“(ii) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of section 3; and

“(iii) an analysis of the effect of the provisions of subsection (a) and (f) on—

“(I) the cost of legal plant imports; and

“(II) the extent and methodology of illegal logging practices and trafficking.

“(B) PUBLIC PARTICIPATION.—In conducting the review under paragraph (4), the Secretary shall provide public notice and an opportunity for comment.

“(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

“(A) to limit the applicability of any requirement described in paragraph (2) to specific plant products; and

“(B) to make any other necessary modification to any requirement described in paragraph (2), as determined by the Secretary based on the review under paragraph (4).”;

(3) in section 7(a)(1) (16 U.S.C. 3376(a)(1)), by striking “section 4” and inserting “section 3(f), section 4.”.

**SA 3503.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 1107. PENNINGTON BIOMEDICAL RESEARCH CENTER.**

(a) FINDINGS.—Congress finds that—

(1) the Pennington Biomedical Research Center (referred to in this section as the “Center”) is an outstanding facility, several investigators employed by which have positive international reputations; and

(2)(A) Congress has directed the Secretary, acting through the Administrator of the Agricultural Research Service, to collaborate with the Center—

(i) to establish a human nutrition research program with the Center; and

(ii) to employ scientists of the Agricultural Research Service focusing on obesity at the state-of-the-art facilities of the Center; but

(B) concern exists regarding the promptness with which the Secretary has—

(i) integrated the Center into the human nutrition research program of the Agricultural Research Service; and

(ii) provided funding to the Center.

(b) DESIGNATION AND FUNDING.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(1) officially designate the Center as an “Agricultural Research Service Human Nutrition Center”; and

(2) provide to the Center adequate funding in accordance with the formula used by the Secretary to provide funding to other Agricultural Research Service Human Nutrition Centers.

(c) EFFECT ON OTHER CENTERS.—The provision of funds to the Center pursuant to subsection (b)(2) shall not unjustly reduce the amount provided to any other Agricultural Research Service Human Nutrition Center by the Secretary under any other law (including regulations).

**SA 3504.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE DOMESTIC PET TURTLE MARKET ACCESS**

**SEC. SHORT TITLE.**

This title may be cited as the “Domestic Pet Turtle Market Access Act of 2007”.

**SEC. FINDINGS.**

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

#### SEC. \_\_\_\_ . SALE OF BABY TURTLES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, wholesaler, or commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which the pet turtle farmer of the turtle is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependant upon using the Siebeling method, or other such proven nonantibiotic method, to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon the turtle outside, as the turtle may become an invasive species to the local community, but should instead return the turtle to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

(b) FDA REVIEW OF STATE PROTECTIONS.—The Commissioner of Food and Drugs may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines that the actual implementation of State health protections described in subsection (a) are insufficient to protect consumers against infections diseases acquired from such turtle at the time of sale.

**SA 3505.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the miscellaneous title, insert the following:

#### SEC. \_\_\_\_ . LEAFY GREEN VEGETABLES.

(a) FINDINGS.—Congress finds that—

(1) unique requirements exist with respect to the production of safe, nutritious, and healthy leafy green vegetables; and

(2) it is necessary to regulate the production of leafy green vegetables under 1 marketing order that encompasses all leafy green vegetable production in the United States.

(b) NATIONAL MARKETING ORDERS.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in paragraph (8)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(B) by striking the paragraph designation and heading and all that follows through “Except” and inserting the following:

“(8) ORDERS WITH MARKETING AGREEMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B) and except”; and

(C) by adding at the end the following:

“(B) LEAFY GREEN VEGETABLES.—

“(i) DEFINITION OF LEAFY GREEN VEGETABLE.—In this subparagraph, the term ‘leafy green vegetable’ includes—

“(I) arugula;

“(II) baby leaf lettuce (immature lettuce or leafy greens);

“(III) butter lettuce;

“(IV) chard;

“(V) endive (excluding Belgian endive);

“(VI) escarole;

“(VII) green leaf lettuce;

“(VIII) green, red, and savoy cabbage;

“(IX) iceberg lettuce;

“(X) kale;

“(XI) red leaf lettuce;

“(XII) romaine lettuce;

“(XIII) spinach; and

“(XIV) spring mix.

“(ii) APPROVAL BY HANDLERS.—Notwithstanding any other provision of this Act, the Secretary may establish a national marketing order for leafy green vegetables only on approval by—

“(I)  $\frac{1}{2}$  of the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval; or

“(II) handlers of leafy green vegetables that, as determined by the Secretary, handle

not less than  $\frac{1}{2}$  of the volume of leafy green vegetables handled by the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval.

“(iii) CONTENTS.—A marketing order established pursuant to this subparagraph may provide quality requirements relating to food safety in the production and processing of leafy green vegetables.

“(iv) PERIOD OF EFFECTIVENESS.—A marketing order established pursuant to this subparagraph shall remain in effect until the earlier of—

“(I) the date of termination of the marketing order under paragraph (16)(B)(ii); and

“(II) the date on which the Secretary of Health and Human Services assumes responsibility, pursuant to Federal law, for safe handling in the leafy green vegetable industry.”; and

(2) in paragraph (16)(B)—

(A) by striking “(B) The Secretary” and inserting the following:

“(B) TERMINATION OF MARKETING AGREEMENTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary”; and

(B) by adding at the end the following:

“(ii) LEAFY GREEN VEGETABLES.—Notwithstanding clause (i), the Secretary may terminate a marketing order established pursuant to paragraph (8)(B) only on approval by—

“(I)  $\frac{1}{2}$  of the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval; or

“(II) handlers of leafy green vegetables that, as determined by the Secretary, handle more than  $\frac{1}{2}$  of the volume of leafy green vegetables handled by the total number of handlers of leafy green vegetables in all States that participate in an election held by the Secretary for purposes of the approval.”.

(c) LIMITATIONS ON IMPORTATION.—Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by inserting “leafy green vegetables,” after “pistachios.”.

**SA 3506.** Ms. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. CASEY, Ms. STABENOW, Mrs. BOXER, Mr. NELSON of Florida, Mr. BINGAMAN, Mr. CARDIN, and Mr. INOUE) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle A of title XI, insert the following:

#### SEC. 1103 \_\_\_\_ . RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO DEPARTMENT OF AGRICULTURE.

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Sections 310 and 421 of the Homeland Security Act of 2002 (6 U.S.C. 190, 231) are repealed.

(b) CONFORMING AMENDMENT TO FUNCTION OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date described in subsection (g), the Secretary and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) **USE OF CERTAIN EMPLOYEES.**—The agreement may include authority for the Secretary to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) **RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.**—Not later than the effective date described in subsection (g), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 310 or 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 190, 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) **AUTHORITY OF APHIS.**—

(1) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish within the Animal and Plant Health Inspection Service a program, to be known as the “International Agricultural Inspection Program”, under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the “Administrator”) shall carry out import and entry agricultural inspections.

(2) **INFORMATION GATHERING AND INSPECTIONS.**—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) **INSPECTION ALERTS.**—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) **INSPECTION USER FEES.**—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) **CAREER TRACK PROGRAM.**—

(A) **IN GENERAL.**—The Administrator shall establish a program, to be known as the “import and entry agriculture inspector career track program”, to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) **STRATEGIC PLAN AND TRAINING.**—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) **DUTIES OF SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) **FEDERAL AND STATE COOPERATION.**—

(A) **COMMUNICATION SYSTEM.**—The Secretary shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) **ADVISORY COMMITTEE.**—

(i) **ESTABLISHMENT.**—The Secretary shall establish a committee, to be known as the “International Trade Inspection Advisory Committee” (referred to in this subparagraph as the “committee”), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) **MODEL.**—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) **MEMBERSHIP.**—The committee shall be composed of members representing—

(I) State departments of agriculture;

(II) directors of ports and airports in the United States;

(III) the transportation industry;

(IV) the public; and

(V) such other entities as the Secretary determines to be appropriate.

(3) **REPORT.**—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(B) the adequacy of—

(i) inspection and monitoring procedures and facilities in the United States; and

(ii) the strategic plan developed under subsection (e)(5)(B)(i); and

(C) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(4) **FUNDING.**—The Secretary shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service from amounts made available to the Department of Agriculture for the applicable fiscal year.

(g) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

**SA 3507.** Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 563, between lines 15 and 16, insert the following:

**SEC. 3205. QUALITY REQUIREMENTS FOR CLEMENTINES.**

Section 8(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting “clementines,” after “nectarines.”

**SA 3508.** Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEIN-

GOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

Beginning on page 187, strike line 8 and all that follows through page 209, line 18, and insert the following:

**SEC. 1703. PAYMENT LIMITATIONS.**

(a) **IN GENERAL.**—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) **ENTITY.**—

“(A) **IN GENERAL.**—The term ‘entity’ means—

“(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b) or (c);

“(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

“(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

“(B) **EXCLUSION.**—The term ‘entity’ does not include a general partnership or joint venture.

“(C) **ESTATES.**—In promulgating regulations to define the term ‘entity’ as the term applies to estates, the Secretary shall ensure that fair and equitable treatment is given to estates and the beneficiaries of estates.

“(D) **IRREVOCABLE TRUSTS.**—In promulgating regulations to define the term ‘entity’ as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.

“(2) **INDIVIDUAL.**—The term ‘individual’ means—

“(A) a natural person, and any minor child of the natural person (as determined by the Secretary), who, subject to the requirements of this section and section 1001A, is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d); and

“(B) a natural person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).”;

(2) by striking subsection (b) and inserting the following:

“(b) **LIMITATION ON DIRECT PAYMENTS.**—The total amount of direct payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(2) of that Act, shall not exceed \$20,000.”;

(3) by striking subsection (c) and inserting the following:

“(c) **LIMITATION ON COUNTER-CYCLICAL PAYMENTS.**—The total amount of counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any crop year under part I or III of subtitle

A or C of title I of the Food and Energy Security Act of 2007 for 1 or more covered commodities and peanuts, or average crop revenue payments determined under section 1401(b)(3) of that Act, shall not exceed \$30,000.”;

(4) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that an individual or entity may receive during any crop year may not exceed \$75,000:

“(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under part II of subtitle A of title I of the Food and Energy Security Act of 2007 at a lower level than the original loan rate established for the loan commodity under that subtitle.

“(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under that subtitle.

“(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle or section 1307 of that Act (7 U.S.C. 7957).”;

(5) by striking subsection (e);

(6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively;

(7) by inserting after subsection (d) the following:

“(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—Notwithstanding, subsections (b) through (d), an individual or entity may receive, directly or indirectly, through all ownership interests of the individual or entity, from all sources, payments or gains (as applicable) for a crop year that shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

“(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (d), if an individual or entity participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the individual or entity may receive during any crop year shall not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

“(g) SPOUSAL EQUITY.—

“(1) IN GENERAL.—Notwithstanding subsections (b) through (f), except as provided in paragraph (2), if an individual and the spouse of the individual are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

“(2) EXCEPTIONS.—

“(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate individual with respect to a farming operation

brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

“(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.

“(h) ATTRIBUTION OF PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to ensure that all payments or gains (as applicable) are attributed to an individual by taking into account the direct and indirect ownership interests of the individual in an entity that is eligible to receive such payments or gains (as applicable).

“(2) PAYMENTS TO AN INDIVIDUAL.—Every payment made directly to an individual shall be combined with the individual's pro rata interest in payments received by an entity or entities in which the individual has a direct or indirect ownership interest.

“(3) PAYMENTS TO AN ENTITY.—

“(A) IN GENERAL.—Every payment or gain (as applicable) made to an entity shall be attributed to those individuals who have a direct or indirect ownership in the entity.

“(B) ATTRIBUTION OF PAYMENTS.—

“(i) PAYMENT LIMITS.—Except as provided by clause (ii), payments or gains (as applicable) made to an entity shall not exceed twice the amounts specified in subsections (b) through (d).

“(ii) EXCEPTION.—Payments or gains (as applicable) made to a joint venture or a general partnership shall not exceed, for each payment or gain (as applicable) specified in subsections (b) through (d), the amount determined by multiplying twice the maximum payment amount specified in subsections (b), (c), and (d) by the number of individuals and entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

“(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED ENTITIES.—

“(A) IN GENERAL.—Attribution of payments or gains (as applicable) made to entities shall be traced through 4 levels of ownership in entities.

“(B) FIRST LEVEL.—Any payments or gains (as applicable) made to an entity (a first-tier entity) that is owned in whole or in part by an individual shall be attributed to the individual in an amount that represents the direct ownership in the first-tier entity by the individual.

“(C) SECOND LEVEL.—

“(i) IN GENERAL.—Any payments or gains (as applicable) made to a first-tier entity that is owned in whole or in part by another entity (a second-tier entity) shall be attributed to the second-tier entity in proportion to the ownership interest of the second-tier entity in the first-tier entity.

“(ii) OWNERSHIP BY INDIVIDUAL.—If the second-tier entity is owned in whole or in part by an individual, the amount of the payment made to the first-tier entity shall be attributed to the individual in the amount the Secretary determines to represent the indirect ownership in the first-tier entity by the individual.

“(D) THIRD AND FOURTH LEVELS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments or gains (as applicable) at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

“(ii) FOURTH-TIER OWNERSHIP BY ENTITY.—If the fourth-tier of ownership is that of a

fourth-tier entity, the Secretary shall reduce the amount of the payment to be made to the first-tier entity in the amount that the Secretary determines to represent the indirect ownership in the first-tier entity by the fourth-tier entity.”; and

(8) in subsection (i) (as redesignated by paragraph (6)), by striking “person” and inserting “individual or entity”.

(b) SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

“SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

“(a) SUBSTANTIVE CHANGE.—

“(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of individuals or entities (as defined in section 1001(a)) to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

“(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member (as defined in subsection (b)(2)(A)) to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

“(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 individual or entity, including the individual or entity that exercises primary control over the farming operation, including to respond to—

“(A)(i) any instance in which ownership of a farming operation is transferred to an individual or entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more entities at less than fair market value; and

“(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

“(B) a sale or exchange of any asset or ownership interest in 1 or more entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, an individual or entity (as defined in section 1001(a)) shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).”;

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) DEFINITIONS.—In this paragraph:

“(i) ACTIVE PERSONAL MANAGEMENT.—The term ‘active personal management’ means, with respect to an individual, administrative duties carried out by the individual for a farming operation—

“(I) that are personally provided by the individual on a regular, substantial, and continuing basis; and

“(II) relating to the supervision and direction of—

“(aa) activities and labor involved in the farming operation; and

“(bb) onsite services directly related and necessary to the farming operation.

“(ii) FAMILY MEMBER.—The term ‘family member’, with respect to an individual participating in a farming operation, means an individual who is related to the individual as a lineal ancestor, a lineal descendant, or a sibling (including a spouse of such an individual).

“(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

“(i) An individual shall be considered to be actively engaged in farming with respect to a farming operation if—

“(I) the individual makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

“(aa) capital, equipment, or land; and

“(bb) personal labor and active personal management;

“(II) the share of the individual of the profits or losses from the farming operation is commensurate with the contributions of the individual to the operation; and

“(III) a contribution of the individual is at risk.

“(ii) An entity shall be considered to be actively engaged in farming with respect to a farming operation if—

“(I) the entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

“(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the entity each make a significant contribution of personal labor and active personal management to the operation; or

“(bb) in the case of an entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the entity makes a significant contribution of personal labor or active personal management; and

“(III) the entity meets the requirements of subclauses (II) and (III) of clause (i).”;

(ii) in subparagraph (C), by striking “and the standards provided” and all that follows through “active personal management” and inserting “the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i)”;

(iii) by adding at the end the following:

“(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), an individual shall be considered to be providing, on behalf of the individual or an entity, a significant contribution of personal labor or active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

“(I) 1,000 hours; and

“(II) a period of time equal to—

“(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

“(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in an entity in which all of the beneficial interests are held by family members, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

“(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of an individual or entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.”;

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

“(A) LANDOWNERS.—An individual or entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

“(i) the landowner share-rents the land at a rate that is usual and customary; and

“(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.”;

(ii) in subparagraph (B)—

(I) in the first sentence—

(aa) by striking “persons, a majority of whom are individuals who” and inserting “individuals who are family members, or an entity the majority of the stockholders or members of which”;

(bb) by striking “standards provided in clauses (ii) and (iii) of paragraph (2)(A)” and inserting “requirements of subclauses (II) and (III) of paragraph (2)(B)(i)”;

(II) by striking the second sentence; and

(iii) in subparagraph (C), by striking “standards provided in clauses (ii) and (iii) of paragraph (2)(A)” and inserting “requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food and Energy Security Act of 2007”;

(D) in paragraph (4)—

(i) in the paragraph heading, by striking “PERSONS” and inserting “INDIVIDUALS AND ENTITIES”;

(ii) in the matter preceding subparagraph (A), by striking “persons” and inserting “individuals and entities”;

(iii) by striking subparagraph (B) and inserting the following:

“(B) OTHER INDIVIDUALS AND ENTITIES.—Any other individual or entity, or class of individuals or entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.”;

(E) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(F) by inserting after paragraph (4) the following:

“(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for individuals or entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.”;

(G) in paragraph (6) (as redesignated by subparagraph (E))—

(i) in the first sentence—

(I) by striking “A person” and inserting “An individual or entity”;

(II) by striking “such person” and inserting “the individual or entity”;

(ii) by striking the second sentence; and

(3) by adding at the end the following:

“(c) NOTIFICATION BY ENTITIES.—To facilitate the administration of this section, each entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

“(1) notify each individual or other entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

“(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each individual, or the name and taxpayer identification number of each entity, that holds or acquires such a beneficial interest.”;

(c) SCHEMES OR DEVICES.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(1) by inserting “(a) IN GENERAL.—” before “If”;

(2) in subsection (a) (as designated by paragraph (1)), by striking “person” each place it appears and inserting “individual or entity”;

(3) by adding at the end the following:

“(b) EXTENDED INELIGIBILITY.—If the Secretary determines that an individual or entity, for the benefit of the individual or entity or of any other individual or entity, has knowingly engaged in, or aided in the creation of fraudulent documents, failed to disclose material information relevant to the administration of this subtitle requested by the Secretary, or committed other equally serious actions as identified in regulations issued by the Secretary, the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the individual or entity.

“(c) FRAUD.—If fraud is committed by an individual or entity in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the individual or entity shall be ineligible to receive farm program payments described as being subject to limitation in subsection (b), (c), or (d) of section 1001 for—

“(1) the crop year for which the scheme or device is adopted; and

“(2) the succeeding 5 crop years.

“(d) JOINT AND SEVERAL LIABILITY.—Any individual or entity that participates in a scheme or device described in subsection (a) or (b) shall be jointly and severally liable for any and all overpayments resulting from the scheme or device, and subject to program ineligibility resulting from the scheme or device, regardless of whether a particular individual or entity was a payment recipient.

“(e) WAIVER AUTHORITY.—

“(1) IN GENERAL.—The Secretary may fully or partially release an individual or entity from liability for repayment of program proceeds under subsection (d) if the individual or entity cooperates with the Department of Agriculture by disclosing a scheme or device to evade section 1001, 1001A, or 1001C or any other provision of law administered by the Secretary that imposes a payment limitation.

“(2) DISCRETION.—The decision of the Secretary under this subsection is vested in the sole discretion of the Secretary.”;

(d) FOREIGN INDIVIDUALS AND ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.—Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking “PERSONS” and inserting “INDIVIDUALS AND ENTITIES”;

(2) in subsection (a), by striking “person” each place it appears and inserting “individual”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “CORPORATION OR OTHER”;



(B) in the first sentence—

(i) by striking “a corporation or other entity shall be considered a person that” and inserting “an entity”; and

(ii) by striking “persons” both places it appears and inserting “individuals”; and

(4) in subsection (c), by striking “person” and inserting “entity or individual”.

(e) TREATMENT OF MULTIYEAR PROGRAM CONTACT PAYMENTS.—Section 1001F of the Food Security Act of 1985 (7 U.S.C. 1308-5) is repealed.

On page 233, strike lines 6 through 13 and insert the following:

(4) by striking subsection (e) and inserting the following:

“(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

“(1) \$5,000,000 for fiscal year 2008; and

“(2) \$10,000,000 for each of fiscal years 2009 through 2012.”.

On page 239, strike lines 8 through 14 and insert the following:

“(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section, to remain available until expended—

“(A) not later than 30 days after the date of enactment of the Food and Energy Security Act of 2007, \$22,000,000; and

“(B) on October 1, 2011, \$3,000,000.”.

On pages 445, strike lines 18 through 25 and insert the following:

“(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable—

“(A) \$97,000,000 for fiscal year 2008;

“(B) \$114,000,000 for each of fiscal years 2009 and 2010;

“(C) \$115,000,000 for fiscal year 2011; and

“(D) \$97,000,000 for fiscal year 2012.

“(6) The grassland reserve program under subchapter C of chapter 2, using, to the maximum extent practicable, \$285,000,000 for the period of fiscal years 2008 through 2012.

Beginning on page 574, strike line 23 and all that follows through page 575, line 3 and insert the following:

“(2) AMOUNTS.—In addition to the amounts made available under paragraph (1), from amounts made available to carry out this Act, the Secretary shall use to carry out this subsection—

“(A) \$110,000,000 for each of fiscal years 2008 through 2012; and

“(B) \$63,000,000 for each of fiscal years 2013 through 2017.”.

On page 662, strike lines 2 through 7 and insert the following:

(a) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking “\$60,000,000 for each of the fiscal years 2003 through 2007” and inserting “\$100,000,000 for fiscal year 2008, \$113,000,000 for fiscal year 2009, \$114,000,000 for each of fiscal years 2010 and 2011, \$115,000,000 for fiscal year 2012, and \$100,000,000 for each fiscal year thereafter”.

On page 692, strike lines 6 through 17 and insert the following:

(1) section 4101;

(2) section 4102;

(3) section 4104;

(4) section 4107;

(5) section 4109;

(6) section 4701(a)(3); and

(7) section 4903.

On page 715, strike lines 6 through 9 and insert the following:

“(1) FUNDING.—

“(A) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

On page 744, line 6, strike “\$100,000,000” and insert “\$200,000,000”.

On page 746, strike lines 12 through 18 and insert the following:

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g), to remain available until expended—

(A) \$120,000,000 for fiscal year 2008; and

(B) \$40,000,000 for each of fiscal years 2009 and 2010.

Beginning on page 787, strike line 22 and all that follows through page 788, line 2, and insert the following:

“(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, \$40,000,000 for each of fiscal year 2008 and 2009, to remain available until expended.

On page 993, strike lines 16 through 18 and insert the following:

“(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, \$15,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.”.

**SA 3509.** Mr. REID proposed an amendment to amendment SA 3508 proposed by Mr. REID (for Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. FEINGOLD, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. TESTER)) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect 1 day after enactment.

**SA 3510.** Mr. REID proposed an amendment to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the bill add the following:

This section shall take effect 3 days after the date of enactment.

**SA 3511.** Mr. REID proposed an amendment to amendment SA 3510 proposed by Mr. REID to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In the amendment strike 3 and insert 4.

**SA 3512.** Mr. REID proposed an amendment to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the bill add the following:

This section shall take effect 5 days after the date of enactment.

**SA 3513.** Mr. REID proposed an amendment to amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In the motion strike 5 and insert 6.

**SA 3514.** Mr. REID proposed an amendment to amendment SA 3513 proposed by Mr. REID to the amendment SA 3512 proposed by Mr. REID to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In the amendment strike 6 and insert 7.

**SA 3515.** Mr. STEVENS (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 884, line 16, strike “or”.

On page 884, between lines 16 and 17, insert the following:

“(6) competitive grants, for public television stations or a consortium of public television stations, to provide education, outreach, and assistance, in cooperation with community groups, to rural communities and vulnerable populations with respect to the digital television transition, and particularly the acquisition, delivery, and installation of the digital-to-analog converter boxes described in section 3005 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note); or

On page 884, line 17, strike “(6)” and insert “(7)”.

**SA 3516.** Mr. TESTER submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 850, strike line 23 and all that follows through page 851, line 6, and insert the following:

“(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans under this title for—

“(1) electric generation from renewable energy resources for resale to rural and nonrural residents;

“(2) transmission lines principally for the purpose of wheeling power from 1 or more renewable energy sources; and

“(3) a project to capture, transport, and store carbon dioxide at an eligible facility, except that funds from a loan made available for such a project may be used only—

“(A) to carry out carbon dioxide capture, including purification and compression;

“(B) to provide for the cost of transportation and injection of carbon dioxide; or

“(C) to incorporate within the project a comprehensive measurement, monitoring, and validation program.

**SA 3517.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 313, strike line 21 and all that follows through page 320, line 22, and insert the following:

(e) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by striking subsection (h) and inserting the following:

“(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND, SHALLOW WATER AREAS, AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

“(1) PROGRAM.—

“(A) IN GENERAL.—During the 2008 through 2012 calendar years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in paragraph (2).

“(B) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the pilot program established under this subsection.

“(2) ELIGIBLE ACREAGE.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), an owner or operator may enroll in the conservation reserve under this subsection—

“(i)(I) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

“(II) a shallow water area that was devoted to a commercial pond-raised aquaculture operation any year during the period of calendar years 2002 through 2007; or

“(III) an agricultural drainage water treatment wetland that receives flow from a row crop agricultural drainage system and is designed to provide nitrogen removal in addition to other wetland functions; and

“(ii) buffer acreage that—

“(I) is contiguous to a wetland or shallow water area described in clause (i);

“(II) is used to protect the wetland or shallow water area described in clause (i); and

“(III) is of such width as the Secretary determines to be necessary to protect the wetland or shallow water area described in clause (i) or to enhance the wildlife benefits, including through restoration of bottomland hardwood habitat, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland or shallow water area.

“(B) PROGRAM LIMITATIONS.—

“(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection not more than—

“(I) 100,000 acres in any 1 State referred to in paragraph (1); and

“(II) not more than a total of 1,000,000 acres.

“(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

“(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

“(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

“(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

“(iv) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—Not later than 3 years after the date of enactment of the Food and Energy Security Act of 2007, the Secretary shall—

“(I) conduct a review of the program under this subsection with respect to each State that has enrolled land in the program; and

“(II) notwithstanding clause (i)(I), increase the number of acres that may be enrolled by a State under clause (i)(I) to not more than 150,000 acres, as determined by the Secretary.

“(C) OWNER OR OPERATOR LIMITATIONS ON BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be determined by the Secretary, in consultation with the State Technical Committee.

“(3) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch shall agree—

“(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

“(B) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species in shallow water areas) on the eligible acreage, as determined by the Secretary;

“(C) to a general prohibition of commercial use of the enrolled land, except for hunting leases and other environmental services; and

“(D) to carry out other duties described in section 1232.

“(4) DUTIES OF THE SECRETARY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments based on rental rates for cropland and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

“(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

“(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.”.

**SA 3518.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 793, between lines 16 and 17, insert the following:

**SEC. 6 . GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.**

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6028) is amended by adding at the end the following:

**“SEC. 379F. GRANTS TO IMPROVE TECHNICAL INFRASTRUCTURE AND QUALITY OF RURAL HEALTH CARE FACILITIES.**

“(a) DEFINITIONS.—In this section:

“(1) HEALTH INFORMATION TECHNOLOGY.—The term ‘health information technology’ includes total expenditures incurred for—

“(A) purchasing, leasing, and installing computer software and hardware, including

handheld computer technologies, and related services;

“(B) making improvements to computer software and hardware;

“(C) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

“(D) services associated with acquiring, implementing, operating, or optimizing the use of computer software and hardware and clinical health care informatics systems;

“(E) providing education and training to rural health facility staff on information systems and technology designed to improve patient safety and quality of care; and

“(F) purchasing, leasing, subscribing, or servicing support to establish interoperability that—

“(i) integrates patient-specific clinical data with well-established national treatment guidelines;

“(ii) provides continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers; and

“(iii) integrates with larger health networks.

“(2) RURAL AREA.—The term ‘rural area’ means any area of the United States that is not—

“(A) included in the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 residents; or

“(B) an urbanized area contiguous and adjacent to such a city, town, borough, or village.

“(3) RURAL HEALTH FACILITY.—The term ‘rural health facility’ means any of—

“(A) a hospital (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)));

“(B) a critical access hospital (as defined in section 1861(mm) of that Act (42 U.S.C. 1395x(mm)));

“(C) a Federally qualified health center (as defined in section 1861(aa) of that Act (42 U.S.C. 1395x(aa))) that is located in a rural area;

“(D) a rural health clinic (as defined in that section (42 U.S.C. 1395x(aa)));

“(E) a medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G) of that Act (42 U.S.C. 1395ww(d)(5)(G)));

“(F) a physician or physician group practice that is located in a rural area; and

“(G) a governmental or nongovernmental ground or air ambulance service licensed or recognized by a State.

“(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary shall provide grants to rural health facilities for the purpose of assisting the rural health facilities in—

“(1) purchasing health information technology to improve the quality of health care or patient safety; or

“(2) otherwise improving the quality of health care or patient safety, including through the development of—

“(A) quality improvement support structures to assist rural health facilities and professionals—

“(i) to increase integration of personal and population health services; and

“(ii) to address safety, effectiveness, patient- or community-centeredness, timeliness, efficiency, and equity; and

“(B) innovative approaches to the financing and delivery of health services to achieve rural health quality goals.

“(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant provided under this section.

“(d) PROVISION OF INFORMATION.—A rural health facility that receives a grant under this section shall provide to the Secretary

such information as the Secretary may require—

“(1) to evaluate the project for which the grant is used; and

“(2) to ensure that the grant is expended for the purposes for which the grant was provided.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section not more than \$30,000,000 for each of fiscal years 2008 through 2012.”.

**SA 3519.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.**

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

**“SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.**

**“(a) DEFINITION OF EMERGENCY MEDICAL SERVICE.**—In this section:

“(1) **IN GENERAL.**—The term ‘emergency medical service’ means any resource used by a qualified public or private entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

“(A) the condition of the patient; or

“(B) a natural disaster or similar situation.

“(2) **INCLUSIONS.**—The term ‘emergency medical service’ includes (compensated or volunteer) services delivered by an emergency medical service provider or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or the equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical service provider.

“(b) **GRANTS.**—The Secretary shall award grants to eligible entities—

“(1) to enable the entities to provide for improved emergency medical services in rural areas; and

“(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and biologicals in rural areas.

“(c) **ELIGIBILITY.**—To be eligible to receive a grant under this section, an entity shall—

“(1) be—

“(A) a State emergency medical services office;

“(B) a State emergency medical services association;

“(C) a State office of rural health;

“(D) a local government entity;

“(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

“(F) a State or local ambulance provider; or

“(G) any other entity determined to be appropriate by the Secretary; and

“(2) prepare and submit to the Secretary an application at such time, in such manner,

and containing such information as the Secretary may require, that includes—

“(A) a description of the activities to be carried out under the grant; and

“(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

“(d) **USE OF FUNDS.**—An entity shall use amounts received under a grant made under subsection (b) only in rural areas—

“(1) to hire or recruit emergency medical service personnel;

“(2) to recruit or retain volunteer emergency medical service personnel;

“(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

“(4) to fund training to meet Federal or State certification requirements;

“(5) to provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel;

“(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

“(7) to acquire emergency medical services vehicles, including ambulances;

“(8) to acquire emergency medical services equipment, including cardiac defibrillators;

“(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

“(10) to educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

“(e) **PREFERENCE.**—In awarding grants under this section, the Secretary shall give preference to—

“(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

“(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

“(f) **MATCHING REQUIREMENT.**—The Secretary may not make a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 5 percent of the amount received under the grant.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to carry out this section not more than \$30,000,000 for each of fiscal years 2008 through 2012.

“(2) **ADMINISTRATIVE COSTS.**—Not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses.”.

**SA 3520.** Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subchapter B of chapter 2 of subtitle D of title II, add the following:

**SEC. 23. AIR QUALITY IMPROVEMENT.**

(a) **IN GENERAL.**—Under the environmental quality section of the program established under this subchapter, the Secretary shall promote air quality by providing cost-share payments and incentive payments to individual producers for use in addressing air quality concerns associated with agriculture.

(b) **ELIGIBLE PRACTICES, COST-SHARE.**—

(1) **REDUCTION OF EMISSIONS OF AIR POLLUTANTS AND PRECURSORS OF AIR POLLUTANTS.**—In addition to practices eligible for cost-share payments under the environmental quality section of the program established under this subchapter, the Secretary shall provide cost-share payments to producers under this section for mobile or stationary equipment (including engines) used in an agricultural operation that would reduce emissions and precursors of air pollutants.

(2) **CONSIDERATIONS.**—In evaluating applications for cost-share assistance for equipment described in paragraph (1), the Secretary shall prioritize assistance for equipment that—

(A) is the most cost-effective in addressing air quality concerns; and

(B) would assist producers in meeting Federal, State, or local regulatory requirements relating to air quality.

(c) **LOCATIONS.**—To receive a payment for a project under this section, a producer shall carry out the project in a county—

(1) that is in nonattainment with respect to ambient air quality standards;

(2) in which there is air quality degradation, recognized by a State or local agency, to which agricultural emissions significantly contribute.

(d) **PRIORITY.**—The Secretary shall give priority to projects that—

(1) involve multiple producers implementing eligible conservation activities in a coordinated manner to promote air quality; or

(2) are designed to encourage broad adoption of innovative approaches, including approaches involving the use of innovative technologies and integrated pest management, on the condition that the technologies do not have the unintended consequence of compromising other environmental goals.

**SA 3521.** Mr. CASEY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1362, between lines 19 and 20, insert the following:

**SEC. 11072. INVASIVE PEST AND DISEASE EMERGENCY RESPONSE FUNDING CLARIFICATION.**

The Secretary may provide funds on an emergency basis to States to assist the States in combating invasive pest and disease outbreaks for any appropriate period of years after the date of initial detection by a State of an invasive pest or disease outbreak, as determined by the Secretary.

**SA 3522.** Mr. CASEY (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the nutrition title, insert the following:

**SEC. \_\_\_\_\_. SENSE OF CONGRESS REGARDING THE FOOD STAMP NUTRITION EDUCATION PROGRAM.**

(a) FINDINGS.—Congress finds that—

(1) nutrition education under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.) plays an essential role in improving the dietary and physical activity practices of low-income people in the United States, helping to reduce food insecurity, prevent obesity, and reduce the risks of chronic disease;

(2) expert organizations, such as the Institute of Medicine, indicate that dietary and physical activity behavior change is more likely to result from the combined application of public health approaches and education than from education alone; and

(3) State programs are implementing nutrition education using effective strategies, including direct education, group activities, and social marketing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary should support and encourage the most effective interventions for nutrition education under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.), including public health approaches and traditional education, to increase the likelihood that recipients of food and nutrition program benefits and people who are potentially eligible for those benefits will choose diets and physical activity practices consistent with the Dietary Guidelines for Americans; and

(2) to promote the most effective implementation of publicly-funded programs, State nutrition education activities under the Food and Nutrition Act of 2007 (7 U.S.C. 2011 et seq.)—

(A) should be coordinated with other federally-funded food assistance and public health programs; and

(B) should leverage public/private partnerships to maximize the resources and impact of the programs.

**SA 3523.** Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 672, strike line 7 and all that follows through page 673, line 4, and insert the following:

**SEC. 4904. BUY AMERICAN REQUIREMENTS.**

(a) FINDINGS.—Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including foods products for all meals served under the program, including foods products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Department of Defense fresh fruit and vegetable distribution program.

**SA 3524.** Ms. MIKULSKI (for herself and Mr. SPECTER) submitted an amend-

ment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1045, after line 2, insert the following:

**SEC. 7505. STUDIES AND REPORTS BY THE DEPARTMENT OF AGRICULTURE AND THE NATIONAL ACADEMY OF SCIENCES ON FOOD PRODUCTS FROM CLONED ANIMALS.**

(a) STUDY BY THE DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”), in coordination with the Economic Research Service, and after consultation with the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), shall conduct a study on the economic and trade impact of agricultural exports of food products from cloned animals.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include—

(A) an analysis of the domestic agricultural and international trade economic implications of permitting commercialization of milk and meat from cloned animals and their progeny into the food supply, with special attention to—

(i) the impact on Federal agricultural expenditures; and

(ii) meat and milk exports shifts that would take place as other countries react to that commercialization, including the potential for other countries to ban exports from the United States; and

(B) estimates of the consumer and exporter behavioral responses that must be factored into both the economic impact analysis and the health impact analysis required under this section.

(b) STUDY WITH THE GOVERNMENT ACCOUNTABILITY OFFICE ON MONITORING FOOD PRODUCTS FROM CLONED ANIMALS.—

(1) IN GENERAL.—The Secretary, in coordination with Comptroller General of the United States, shall conduct a study on the programs in place at the Department of Agriculture to monitor food products from cloned animals if such products enter the food supply.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include an evaluation of the processes in place at the Department of Agriculture to monitor food products from cloned animals throughout the food supply. The study shall also include a review of existing studies and literature, from the United States and other countries and organizations, that relate to the evaluation of the safety of food products from cloned animals and methods for monitoring such products in the food supply.

(c) STUDY WITH THE GOVERNMENT ACCOUNTABILITY OFFICE ON THE HEALTH EFFECTS AND COSTS ATTRIBUTABLE TO MILK FROM CLONED ANIMALS IN THE FOOD SUPPLY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs), and in coordination with Comptroller General of the United States, shall conduct a study on the health effects and costs attributable to milk from cloned animals in the food supply.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include an evaluation and measurement of the potential public health effects and associated health care costs, including any consumer behavior changes and negative impacts on nutrition, and prevention of osteoporosis and other chronic disease that result from any decrease in milk

consumption, attributable to the commercialization of milk from cloned animals and their progeny.

(d) STUDY WITH THE NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—The Secretary shall contract with the National Academy of Sciences to conduct a study and report to Congress regarding the safety of food products derived from cloned animals.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall include a review and an assessment of whether the studies (including peer review studies), data, and analysis used in the draft risk assessment issued by the Food and Drug Administration entitled *Animal Cloning: A Draft Risk Assessment* (issued on December 28, 2006) supported the conclusions drawn by such draft risk assessment and—

(A) whether there were a sufficient number of studies to support such conclusions; and

(B) whether additional pertinent studies and data exist which were not considered in the draft risk assessment and how this additional information affects the conclusions drawn in such draft risk assessment.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impede ongoing scientific research in artificial reproductive health technologies.

(f) TIMEFRAME FOR STUDIES.—The Secretary shall complete the studies required under this section prior to issuance by the Commissioner of Food and Drugs of the final risk assessment on the safety of cloned animals and food products derived from cloned animals.

(g) CONTINUANCE OF MORATORIUM.—The voluntary moratorium on introducing food from cloned animals or their progeny into the food supply, as in effect on the date of enactment of this Act, shall remain in effect at least until the date that the Secretary of Health and Human Services (acting through the Commissioner of Food and Drugs) issues the final risk assessment described in subsection (f).

**SA 3525.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XI, insert the following:

**SEC. 11 \_\_\_\_\_. CLONED FOOD LABELING.**

(a) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(z)(1) If it contains cloned product unless it bears a label that provides notice in accordance with the following:

“(A) A notice as follows: ‘THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY’.

“(B) The notice required in clause (A) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

“(C) The notice required under clause (A) is clearly legible and conspicuous.

“(2) For purposes of this paragraph:

“(A) The term ‘cloned animal’ means—

“(i) an animal produced as the result of somatic cell nuclear transfer; and

“(ii) the progeny of such an animal.

“(B) The term ‘cloned product’ means a product or byproduct derived from or containing any part of a cloned animal.

“(3) This paragraph does not apply to food that is a medical food as defined in section 5(b) of the Orphan Drug Act.

“(4)(A) The Secretary, in consultation with the Secretary of Agriculture, shall require that any person that prepares, stores, handles, or distributes a cloned product for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this paragraph and paragraph (aa).

“(B) The Secretary, in consultation with the Secretary of Agriculture, shall publish in the Federal Register the procedures established by such Secretaries to verify compliance with the recordkeeping audit trail system required under clause (A).

“(C) The Secretary, in consultation with the Secretary of Agriculture, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this subparagraph.

“(aa) If it bears a label indicating (within the meaning of paragraph (z)) that it does not contain cloned product, unless the label is in accordance with regulations promulgated by the Secretary. With respect to such regulations:

“(1) The regulations may not require such a label to include any statement indicating that the fact that a food does not contain such product has no bearing on the safety of the food for human consumption.

“(2) The regulations may not prohibit such a label on the basis that, in the case of the type of food involved, there is no version of the food in commercial distribution that does contain such product.”

(2) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

“(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed \$100,000 for each such violation.

“(2) Paragraphs (5) through (7) of subsection (f) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (5) through (7) apply with respect to a civil penalty under paragraph (1), (2), or (3) of subsection (f).”

(3) GUARANTY.—

(A) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(i) by striking “(d)” and inserting “(d)(1)”; and

(ii) by adding at the end the following paragraph:

“(2) Subject to section 403(z)(4), no person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) and 403(aa) if such person (referred to in this paragraph as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food to the effect that (within the meaning of section 403(z)) the food does not contain any cloned product.”

(B) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting “or 303(d)(2)” after “303(c)(2)”.

(4) CITIZEN SUITS.—Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 et seq.) is amended by adding at the end the following section:

**“SEC. 311. CITIZEN SUITS REGARDING MISBRANDING OF FOOD WITH RESPECT TO PRODUCT FROM CLONED ANIMALS.”**

“(a) IN GENERAL.—Except as provided in subsection (c), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

“(1) a person who is alleged to have engaged in a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa); or

“(2) the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 403(z) or 403(aa) that is not discretionary.

“(b) RELIEF.—In a civil action under subsection (a), the district court involved may, as the case may be—

“(1) enforce the compliance of a person with the applicable provisions referred to paragraph (1) of such subsection; or

“(2) order the Secretary to perform an act or duty referred to in paragraph (2) of such subsection.

“(c) LIMITATIONS.—

“(1) NOTICE TO SECRETARY.—A civil action may not be commenced under subsection (a)(1) prior to 60 days after the plaintiff has provided to the Secretary notice of the violation involved.

“(2) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under subsection (a)(2) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in subsection (a)(1).

“(d) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under subsection (a), the Secretary, if not a party, may intervene as a matter of right.

“(e) AWARD OF COSTS; FILING OF BOND.—In a civil action under subsection (a), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

“(f) SAVINGS PROVISION.—This section does not restrict any right that a person (or class of persons) may have under any statute or common law to seek enforcement of the provisions referred to subsection (a)(1), or to seek any other relief (including relief against the Secretary).”

(b) AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT.—

(1) REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following:

**“SEC. 7A. REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.”**

“(a) DEFINITIONS.—In this section:

“(1) CLONED ANIMAL.—The term ‘cloned animal’ means—

“(A) an animal produced as the result of somatic cell nuclear transfer; and

“(B) the progeny of such an animal.

“(2) CLONED PRODUCT.—The term ‘cloned product’ means a product or byproduct derived from or containing any part of a cloned animal.

“(3) CLONED MEAT FOOD PRODUCT.—The term ‘cloned meat food product’ means a meat food product that contains a cloned product.

“(b) LABELING REQUIREMENT.—

“(1) REQUIRED LABELING TO AVOID MISBRANDING.—

“(A) INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product—

“(i) is a cloned meat food product; and

“(ii) does not bear a label (or include labeling, in the case of a meat food product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notice described in subsection (c).

“(B) NO INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—

“(i) IN GENERAL.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product bears a label indicating that the meat food product is not a cloned meat food product, unless the label is in accordance with regulations promulgated by the Secretary.

“(ii) REQUIREMENTS.—In promulgating regulations referred to in clause (i), the Secretary may not—

“(I) require a label to include any statement indicating that the fact that a meat food product is not a cloned meat food product has no bearing on the safety of the food for human consumption; or

“(II) prohibit a label on the basis that, in the case of the type of meat food product involved, there is no version of the meat food product in commercial distribution that is not a cloned meat food product.

“(2) AUDIT VERIFICATION SYSTEM.—

“(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall require that any person that manufactures, produces, distributes, stores, or handles a meat food product maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with the labeling requirements described in paragraph (1).

“(B) PUBLICATION.—The Secretary, in consultation with the Secretary of Health and Human Services, shall publish in the Federal Register the procedures established by the Secretaries to verify compliance with the recordkeeping audit trail system required under subparagraph (A).

“(C) REPORT.—The Secretary, in consultation with the Secretary of Health and Human Services, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this paragraph.

“(c) SPECIFICS OF LABEL NOTICE.—

“(1) REQUIRED NOTICE.—The notice referred to in subsection (b)(1)(A)(ii) is the following: ‘THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY’.

“(2) SIZE.—The notice required in paragraph (1) shall be of the same size as if the notice provided nutrition information that is required under section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(1)).

“(d) GUARANTY.—

“(1) IN GENERAL.—Subject to subsection (b)(2) and paragraph (2), a person engaged in the business of manufacturing or processing meat food products, or selling or serving meat food products at retail or through a food service establishment (referred to in this subsection as the ‘recipient’) shall not be considered to have violated this section with respect to the labeling of a meat food product if the recipient establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food product or the animal from which the meat food product was derived, or received in

good faith food intended to be fed to the animal, to the effect that the meat food product, or the animal, or the meat food product, respectively, does not contain a cloned product or was not produced with a cloned product.

“(2) AUDIT VERIFICATION SYSTEM.—In the case of recipients who establish guaranties or undertakings in accordance with paragraph (1), the Secretary may exempt the recipients from the requirement under subsection (b)(2) regarding maintaining a verifiable recordkeeping audit trail.

“(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

“(e) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c) in an amount not to exceed \$100,000 for each violation.

“(2) NOTICE AND OPPORTUNITY FOR HEARING.—

“(A) IN GENERAL.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code.

“(B) WRITTEN NOTICE.—Before issuing an order under subparagraph (A), the Secretary shall—

“(i) give written notice to the person to be assessed a civil penalty under the order of the proposal of the Secretary to issue the order; and

“(ii) provide the person an opportunity for a hearing on the order.

“(C) AUTHORIZATIONS.—In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

“(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall consider—

“(A) the nature, circumstances, extent, and gravity of the 1 or more violations; and

“(B) with respect to the violator—

“(i) ability to pay;

“(ii) effect on ability to continue to do business;

“(iii) any history of prior violations;

“(iv) the degree of culpability; and

“(v) such other matters as justice may require.

“(4) CERTAIN AUTHORITIES.—

“(A) IN GENERAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1).

“(B) DEDUCTION FROM SUMS OWED.—The amount of a civil penalty under this subsection, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

“(5) JUDICIAL REVIEW.—

“(A) IN GENERAL.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with—

“(i) the United States Court of Appeals for the District of Columbia Circuit; or

“(ii) any other circuit in which the person resides or transacts business.

“(B) FILING DEADLINE.—A petition described in subparagraph (A) may only be filed within the 60-day period beginning on the date the order making the assessment was issued.

“(6) FAILURE TO PAY.—

“(A) IN GENERAL.—The Attorney General shall recover the amount assessed under a civil penalty (plus interest at prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5)(B) or the date of the final judgment, as appropriate) in an action brought in any appropriate district court of the United States if a person fails to pay the assessment—

“(i) after the order making the assessment becomes final, if the person does not file a petition for judicial review of the order in accordance with paragraph (5)(A); or

“(ii) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Secretary;

“(B) EXEMPTIONS FROM REVIEW.—In an action described in subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

“(f) CITIZEN SUITS.—

“(1) IN GENERAL.—Except as provided in paragraph (3), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

“(A) a person who is alleged to have engaged in a violation of subsection (b) or (c); or

“(B) the Secretary in a case in which there is alleged a failure of the Secretary to perform any act or duty under subsection (b) or (c) that is not discretionary.

“(2) RELIEF.—In a civil action under paragraph (1), the district court involved may, as appropriate—

“(A) enforce the compliance of a person with the applicable provisions referred to paragraph (1)(A); or

“(B) order the Secretary to perform an act or duty referred to in paragraph (1)(B).

“(3) LIMITATIONS.—

“(A) NOTICE TO SECRETARY.—A civil action may not be commenced under paragraph (1)(A) prior to 60 days after the date on which the plaintiff provided to the Secretary notice of the violation involved.

“(B) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under paragraph (1)(B) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in paragraph (1)(A).

“(4) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under paragraph (1), the Secretary, if not a party, may intervene as a matter of right.

“(5) AWARD OF COSTS; FILING OF BOND.—

“(A) AWARD OF COSTS.—In a civil action under paragraph (1), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party in any case in which the court determines such an award is appropriate.

“(B) FILING OF BOND.—The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

“(6) SAVINGS PROVISION.—This subsection does not restrict any right that a person (or class of persons) may have under any statute or common law—

“(A) to seek enforcement of the provisions referred to in paragraph (1)(A); or

“(B) to seek any other relief (including relief against the Secretary).”.

(2) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(A) by striking “or” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; or”; and

(C) by adding at the end the following:

“(13) if it fails to bear a label or labeling as required by section 7A.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 180-day period beginning on the date of enactment of this Act.

**SA 3526.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6023.

**SA 3527.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6025 and insert the following:

**SEC. 6025. HISTORIC BARN PRESERVATION.**

Section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o) is amended—

(1) in subsection (c)(4)—

(A) by striking “There are” and inserting the following:

“(A) IN GENERAL.—There are”; and

(B) by adding at the end the following:

“(B) LIMITATION.—If, at any time during the 2-year period preceding the date on which funds are made available to carry out this section, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency—

“(i) none of the funds made available to carry out this section shall be used for the program under this section; and

“(ii) the funds made available to carry out this section shall be—

“(I) used to carry out programs that address the agricultural emergencies identified by Congress or the President; or

“(II) returned to the Treasury of the United States for debt reduction to offset the costs of the emergency agricultural spending.”; and

(2) by adding at the end the following:

“(d) REPEAL.—If, during each of 5 consecutive fiscal years, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency, this section is repealed.”.

**SA 3528.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7312 and insert the following:



**SEC. 7312. NATIONAL ARBORETUM.**

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

**"SEC. 7. CONSTRUCTION OF A CHINESE GARDEN AT NATIONAL ARBORETUM.**

"(a) IN GENERAL.—A Chinese Garden may be constructed at the National Arboretum established under this Act with—

"(1) funds accepted under section 5; and

"(2) authorities provided to the Secretary of Agriculture under section 6.

"(b) LIMITATION.—No Federal funds shall be used for the construction and maintenance of the Chinese Garden authorized under subsection (a)."

**SA 3529.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

**SEC. 11. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.**

(a) REPORTS ON CONFERENCE EXPENDITURES.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall submit to the Inspector General of the Department of Agriculture quarterly reports that describe the costs and contracting procedures relating to each conference or meeting held by the Department of Agriculture during the quarter covered by the report for which the cost to the Federal Government was more than \$20,000.

(b) REQUIREMENTS.—Each report submitted under subsection (a) shall include, for each conference and meeting covered by the report—

(1) a description of the number participants attending, and the purpose of those participants for attending, the conference or meeting;

(2) a detailed statement of the costs incurred by the Federal Government relating to that conference or meeting, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services;

(C) the cost of all related travel; and

(D) a discussion of the methodology used to determine which costs relate to that conference or meeting; and

(3) a description of the contracting procedures relating to that conference or meeting, including—

(A) whether contracts were awarded on a competitive basis; and

(B) a discussion of any cost comparison conducted by the Department of Agriculture in evaluating potential contractors for any conference or meeting.

(c) TRAVEL EXPENSES.—

(1) DEFINITION OF CONFERENCE.—In this subsection, the term "conference" means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants who are not all employees of the same agency;

(C) is not held entirely at an agency facility;

(D) involves costs associated with travel and lodging for some participants; and

(E) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of those agencies or organizations.

(2) REPORT.—Not later than September 30 of each fiscal year, the Secretary shall sub-

mit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the public website of the Department of Agriculture in a searchable, electronic format, a report on each conference for which the Department of Agriculture paid travel expenses during the fiscal year covered by the report, including—

(A) a description of—

(i) the itemized expenses paid by the Department of Agriculture, including travel expenses and any other expenditures to support the conference;

(ii) the primary sponsor of the conference; and

(iii) the location of the conference; and

(B) in the case of a conference for which the Department of Agriculture was the primary sponsor, a statement that—

(i) justifies the location selected;

(ii) demonstrates the cost efficiency of the location;

(iii) specifies the date or dates of the conference;

(iv) includes a brief explanation of the ways in which the conference advanced the mission of the Department of Agriculture; and

(v) specifies the total number of individuals whose travel or attendance at the conference was paid for, in whole or in part, by the Department of Agriculture.

(d) LIMITATION ON FUNDING FOR CONFERENCES.—Notwithstanding any other provision of this Act, not more than \$15,000,000 of amounts made available to the Secretary pursuant to this Act and the amendments made by this Act shall be used for expenses relating to conferences, including for conference programs, conference travel costs, and related expenses.

**SA 3530.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

**SEC. . PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not provide to any deceased individual or estate of such an individual any agricultural payment under this Act, or an Act amended by this Act, after the date that is 1 program year (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

**SA 3531.** Mr. KOHL submitted an amendment intended to be proposed to

amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

In section 1608(d), strike paragraph (2) and insert the following:

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section—

(A) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking member of that committee;

(B) 2 members of the Commission shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking member of that committee;

(C) 10 members of the Commission shall be appointed by the Secretary;

(D) 2 members of the Commission shall be appointed by the Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the House of Representatives, in consultation with the ranking member of that subcommittee; and

(E) 2 members of the Commission shall be appointed by the Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Senate, in consultation with the ranking member of that subcommittee.

**SA 3532.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

**SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF RURAL ENERGY FOR AMERICA PROGRAM.**

(a) FINDINGS.—The Congress finds that—

(1) the amount of mandatory funding made available under section 9007(j)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) for fiscal years 2009 through 2012; and

(2) the amount authorized to be appropriated under section 9007(j)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

**SA 3533.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

**SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF REGIONAL BIOMASS CROP EXPERIMENTS PROGRAM.**

(a) FINDINGS.—The Congress finds that—  
(1) the amount of mandatory funding made available under section 9010(e)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 9010(e)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9010 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

**SA 3534.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

**SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF SUN GRANT PROGRAM.**

(a) FINDINGS.—The Congress finds that—  
(1) the amount of mandatory funding made available under section 9009(j)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 9009(j)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9009 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

**SA 3535.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1197, between lines 15 and 16, insert the following:

**SEC. 9004. SENSE OF CONGRESS RELATING TO FUNDING OF BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.**

(a) FINDINGS.—The Congress finds that—  
(1) the amount of mandatory funding made available under section 9008(h)(1) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 9008(h)(2) of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 9008 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001).

**SA 3536.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

**SEC. 6404. SENSE OF CONGRESS RELATING TO FUNDING OF RURAL COLLABORATIVE INVESTMENT PROGRAM.**

(a) FINDINGS.—The Congress finds that—  
(1) the amount of mandatory funding made available under section 385H(a) of the Consolidated Farm and Rural Development Act (as amended by section 6032) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); and

(2) the amount authorized to be appropriated under section 385H(c) of the Consolidated Farm and Rural Development Act (as amended by section 6032) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of subtitle I of the Consolidated Farm and Rural

Development Act (as amended by section 6032).

**SA 3537.** Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 893, between lines 4 and 5, insert the following:

**SEC. 6404. SENSE OF CONGRESS RELATING TO FUNDING OF RURAL MICROENTERPRISE ASSISTANCE PROGRAM.**

(a) FINDINGS.—The Congress finds that—  
(1) the amount of mandatory funding made available under section 366(d)(1) of the Consolidated Farm and Rural Development Act (as added by section 6022) does not provide additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) for fiscal years 2009 through 2012; and

(2) the amount authorized to be appropriated under section 366(d)(2) of the Consolidated Farm and Rural Development Act (as added by section 6022) would require—

(A) additional discretionary funds under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)); or

(B) substantial cuts to discretionary conservation, food safety, nutrition, rural development, or agricultural research initiatives in existence as of the date of enactment of this Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that additional discretionary funds should be provided under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to accomplish each objective of section 366 of the Consolidated Farm and Rural Development Act (as added by section 6022).

**SA 3538.** Mr. AKAKA (for himself, Mr. KERRY, Mr. STEVENS, Mr. FEINGOLD, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, add the following:

**SEC. 11072. PROTECTION OF PETS.**

(a) SHORT TITLE.—This section may be cited as the “Pet Safety and Protection Act of 2007”.

(b) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

**“SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.**

“(a) DEFINITION OF PERSON.—In this section, the term ‘person’ means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

“(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

“(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

“(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for

research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

“(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

“(2) a publicly owned and operated pound or shelter that—

“(A) is registered with the Secretary;

“(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

“(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

“(3) a person that is donating the dog or cat and that—

“(A) bred and raised the dog or cat; or

“(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

“(4) a research facility licensed by the Secretary; and

“(5) a Federal research facility licensed by the Secretary.

“(e) PENALTIES.—

“(1) IN GENERAL.—A person that violates this section shall be fined \$1,000 for each violation.

“(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty.

“(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.”.

(c) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking “SEC. 8. No department” and inserting the following:

**“SEC. 8. FEDERAL RESEARCH FACILITIES.**

“Except as provided in section 7, no department”;

(2) by striking “research or experimentation or”; and

(3) by striking “such purposes” and inserting “that purpose”.

(d) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking “individual or entity” and inserting “research facility or Federal research facility”.

(e) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) take effect on the date that is 90 days after the date of enactment of this Act.

**SA 3539.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XI, insert the following:

**SEC. 1107. TERMINATION OF AUTHORITY TO CONDUCT INSPECTIONS AND ISSUE REGULATIONS.**

(a) TERMINATION OF AUTHORITY.—The authority to conduct inspections and issue regulations under the provisions of law described in subsection (b) shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.).

**SA 3540.** Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 266, between lines 10 and 11, insert the following:

**SEC. 19. INSURANCE UNITS.**

Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by adding at the end the following:

“(11) INSURANCE UNITS.—In those areas in which optional units are only available by farm serial number, the Corporation shall allow separate optional units for each tract on the farm within a single farm serial number basis, as determined by the Secretary.”.

**SA 3541.** Mr. CRAIG (for himself, Mr. ALLARD, Mr. BROWNBACK) submitted an amendment intended to be proposed by him to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, lines 12 and 13, strike “subsection (e)” and insert “subsection (g)”.

On page 895, strike lines 16 through 19 and insert the following:

“(d) INITIAL IMPLEMENTATION.—To address the urgent security concerns of the United States with respect to public health, bioterrorism preparedness, and food supply security, in implementing the first phase of the veterinary medicine loan repayment program, the Secretary shall give priority to large and mixed animal practitioner shortages in rural communities.

“(e) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (g) may be used to carry out section 5379 of title 5, United States Code.

“(f) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.”.

**SA 3542.** Mr. DOMENICI (for himself and Mr. THUNE, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. GRASSLEY, Mr. CRAIG, Mr. SALAZAR, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

**Subtitle B—Biofuels for Energy Security and Transportation**

**SEC. 9101. SHORT TITLE.**

This subtitle may be cited as the “Biofuels for Energy Security and Transportation Act of 2007”.

**SEC. 9102. DEFINITIONS.**

In this subtitle:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term “advanced biofuel” means fuel derived from renewable biomass other than corn starch.

(B) INCLUSIONS.—The term “advanced biofuel” includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn starch;

(iii) ethanol derived from waste material, including crop residue, other vegetative

waste material, animal waste, and food waste and yard waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

(vii) other fuel derived from cellulosic biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term “cellulosic biomass ethanol” means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term “conventional biofuel” means ethanol derived from corn starch.

(4) RENEWABLE BIOMASS.—The term “renewable biomass” means—

(A) nonmerchantable materials or precommercial thinnings that—

(i) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

(I) to reduce hazardous fuels;

(II) to reduce or contain disease or insect infestation; or

(III) to restore forest health;

(ii) would not otherwise be used for higher-value products; and

(iii) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

(I) where permitted by law; and

(II) in accordance with—

(aa) applicable land management plans; and

(bb) the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) food waste and yard waste.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term “renewable fuel” means motor vehicle fuel or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle or furnace.

(B) INCLUSION.—The term “renewable fuel” includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term “Secretary” means the Secretary of Energy

(7) SMALL REFINERY.—The term “small refinery” means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar

year by the number of days in the calendar year) does not exceed 75,000 barrels.

# **PART I—RENEWABLE FUEL STANDARD**

## **SEC. 9111. RENEWABLE FUEL STANDARD.**

### **(a) RENEWABLE FUEL PROGRAM.—**

#### **(1) REGULATIONS.—**

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel and home heating oil sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(I) the requirements of this subsection are met; and

(II) renewable fuels produced from facilities that commence operations after the date of enactment of this Act achieve at least a 20 percent reduction in life cycle greenhouse gas emissions compared to gasoline; but

(i) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1067).

### **(2) APPLICABLE VOLUME.—**

#### **(A) CALENDAR YEARS 2008 THROUGH 2022.—**

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008 .....	8.5
2009 .....	10.5
2010 .....	12.0
2011 .....	12.6
2012 .....	13.2
2013 .....	13.8
2014 .....	14.4
2015 .....	15.0
2016 .....	18.0
2017 .....	21.0
2018 .....	24.0
2019 .....	27.0
2020 .....	30.0
2021 .....	33.0
2022 .....	36.0.

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016 .....	3.0
2017 .....	6.0
2018 .....	9.0

### **Calendar year:**

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2019 .....	12.0
2020 .....	15.0
2021 .....	18.0
2022 .....	21.0.

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels;

(iii) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver renewable fuel; and

(iv) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MINIMUM PERCENTAGE OF ADVANCED BIOFUEL.—For the purpose of paragraph (1) and subparagraph (C), at least 60 percent of the minimum applicable volume for calendar year 2023 and each calendar year thereafter shall be advanced biofuel.

### **(b) APPLICABLE PERCENTAGES.—**

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to

all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

### **(d) CREDIT PROGRAM.—**

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2008 through 2022, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used

during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 30 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to—

(i) small refineries (other than a small refinery described in clause (ii)) until calendar year 2013; and

(ii) small refineries owned by a small business refiner (as defined in section 45H(c) of the Internal Revenue Code of 1986) until calendar year 2015.

(B) EXTENSION OF EXEMPTION.—

(1) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the Presi-

dent for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) \$25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) VOLUNTARY LABELING PROGRAM.—

(1) IN GENERAL.—The President shall establish criteria for a system of voluntary labeling of renewable fuels based on life cycle greenhouse gas emissions.

(2) CONSUMER EDUCATION.—The President shall ensure that the labeling system under this subsection provides useful information to consumers making fuel purchases.

(3) FLEXIBILITY.—In carrying out this subsection, the President may establish more than 1 label, as appropriate.

(j) STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in subsection (a)(2) on each industry relating to the production of feed grains, livestock, food, and energy.

(2) PARTICIPATION.—In conducting the study under paragraph (1), the National Academy of Sciences shall seek the participation, and consider the input, of—

(A) producers of feed grains;

(B) producers of livestock, poultry, and pork products;

(C) producers of food and food products;

(D) producers of energy;

(E) individuals and entities interested in issues relating to conservation, the environment, and nutrition; and

(F) users of renewable fuels.

(3) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(A) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections; and

(B) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections.

(4) COMPONENTS.—The study shall include—

(A) a description of the conditions under which the requirements described in subsection (a)(2) should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in paragraph (3)(B); and

(B) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(5) DEADLINE FOR COMPLETION OF STUDY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study.

(6) PERIODIC REVIEWS.—

(A) IN GENERAL.—To allow for the appropriate adjustment of the requirements described in subsection (a)(2), the Secretary shall conduct periodic reviews of—

(i) existing technologies;

(ii) the feasibility of achieving compliance with the requirements; and

(iii) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).

(k) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on the date on which the National Academies of Science completes the study under subsection (j).

## SEC. 9112. PRODUCTION OF RENEWABLE FUEL USING RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term “facility” means a facility used for the production of renewable fuel.

(2) RENEWABLE ENERGY.—

(A) IN GENERAL.—The term “renewable energy” has the meaning given the term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

(B) INCLUSION.—The term “renewable energy” includes biogas produced through the conversion of organic matter from renewable biomass.

(b) ADDITIONAL CREDIT.—

(1) IN GENERAL.—The President shall provide a credit under the program established under section 9111(d) to the owner of a facility that uses renewable energy to displace more than 90 percent of the fossil fuel normally used in the production of renewable fuel.

(2) CREDIT AMOUNT.—The President may provide the credit in a quantity that is not more than the equivalent of 1.5 gallons of renewable fuel for each gallon of renewable fuel produced in a facility described in paragraph (1).

## SEC. 9113. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies,

improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

## PART II—RENEWABLE FUELS INFRASTRUCTURE

### SEC. 9121. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the “pilot program”), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor, measured as a total quantity and a percentage;

(III) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(B) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(C) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(D) represent a partnership of public and private entities; and

(E) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than \$20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the

pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000, to remain available until expended.



**SEC. 9122. BIOENERGY RESEARCH AND DEVELOPMENT.**

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (2), by striking “\$251,000,000” and inserting “\$377,000,000”; and

(2) in paragraph (3), by striking “\$274,000,000” and inserting “\$398,000,000”.

**SEC. 9123. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.**

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: “, including the establishment of at least 11 bioresearch centers of varying sizes, as appropriate, that focus on biofuels, of which at least 2 centers shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts”.

**SEC. 9124. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.**

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following: “(f) RENEWABLE FUEL FACILITIES.—

“(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 9102 of the Biofuels for Energy Security and Transportation Act of 2007).

“(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

“(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109-289, Public Law 110-5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

“(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol or the energy equivalent volume of other advanced biofuels.

“(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed \$250,000,000 for a single facility.

“(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

“(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

“(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).”.

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) EXCLUSION.—The term ‘commercial technology’ does not include a technology if the sole use of the technology is in connection with—

“(i) a demonstration plant; or

“(ii) a project for which the Secretary approved a loan guarantee.”.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost has been made; or

“(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

“(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

“(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).”.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

“(c) AMOUNT.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

“(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.”.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY.—Fees collected under this subsection shall—

“(A) be deposited by the Secretary into a special fund in the Treasury to be known as the ‘Incentives For Innovative Technologies Fund’; and

“(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.”.

**SEC. 9125. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.**

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a);

(B) be an institution—

(i) referred to in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note);

(ii) that is eligible for a grant under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.), including Diné College; or

(iii) that is eligible for a grant under the Navajo Community College Act (25 U.S.C. 640a et seq.); or

(C) be a consortium of such institutions of higher education, industry, State agencies, Indian tribal agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2008 through 2010.

**SEC. 9126. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF BIOMASS TO LOCAL BIOREFINERIES.**

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to Indian tribal and local governments and other eligible entities (as determined by the Secretary) (referred to in this section as “eligible entities”) to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the separation, production, processing, and transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 9127. BIOREFINERY INFORMATION CENTER.**

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 9128. ALTERNATIVE FUEL DATABASE AND MATERIALS.**

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

**SEC. 9129. FUEL TANK CAP LABELING REQUIREMENT.**

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking “The Federal Trade Commission” and inserting the following:

“(1) IN GENERAL.—The Federal Trade Commission”; and

(2) by adding at the end the following:

“(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.”.

#### SEC. 9130. BIODIESEL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel (as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105)).

(b) REGULATIONS.—The President shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

(c) NATIONAL BIODIESEL FUEL QUALITY STANDARD.—

(1) QUALITY REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that each diesel-equivalent fuel derived from renewable biomass and introduced into interstate commerce is tested and certified to comply with applicable standards of the American Society for Testing and Materials.

(2) ENFORCEMENT.—The President shall ensure that all biodiesel entering interstate commerce meets the requirements of paragraph (1).

(3) FUNDING.—There are authorized to be appropriated to the President to carry out this section:

(A) \$3,000,000 for fiscal year 2008.

(B) \$3,000,000 for fiscal year 2009.

(C) \$3,000,000 for fiscal year 2010.

#### SEC. 9131. TRANSITIONAL ASSISTANCE FOR FARMERS WHO PLANT DEDICATED ENERGY CROPS FOR A LOCAL CELLULOSIC REFINERY.

(a) DEFINITIONS.—In this section:

(1) CELLULOSIC CROP.—The term “cellulosic crop” means a tree or grass that is grown specifically—

(A) to provide raw materials (including feedstocks) for conversion to liquid transportation fuels or chemicals through biochemical or thermochemical processes; or

(B) for energy generation through combustion, pyrolysis, or cofiring.

(2) CELLULOSIC REFINER.—The term “cellulosic refiner” means the owner or operator of a cellulosic refinery.

(3) CELLULOSIC REFINERY.—The term “cellulosic refinery” means a refinery that processes a cellulosic crop.

(4) QUALIFIED CELLULOSIC CROP.—The term “qualified cellulosic crop” means, with respect to an agricultural producer, a cellulosic crop that is—

(A) the subject of a contract or memorandum of understanding between the producer and a cellulosic refiner, under which the producer is obligated to sell the crop to the cellulosic refiner by a certain date; and

(B) produced not more than 70 miles from a cellulosic refinery owned or operated by the cellulosic refiner.

(5) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) TRANSITIONAL ASSISTANCE PAYMENTS.—The Secretary shall make transitional assistance payments to an agricultural producer during the first year in which the producer devotes land to the production of a qualified cellulosic crop.

(c) AMOUNT OF PAYMENT.—

(1) DETERMINED BY FORMULA.—Subject to paragraph (2), the Secretary shall devise a formula to be used to calculate the amount of a payment to be made to an agricultural producer under this section, based on the opportunity cost (as determined in accordance with such standard as the Secretary may establish, taking into consideration land rental rates and other applicable costs) incurred by the producer during the first year in which the producer devotes land to the production of the qualified cellulosic crop.

(2) LIMITATION.—The total of the amount paid to a producer under this section shall not exceed an amount equal to 25 percent of the amounts made available under subsection (e) for the applicable fiscal year.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$4,088,000 for each of fiscal years 2008 through 2012, to remain available until expended.

#### SEC. 9132. RESEARCH AND DEVELOPMENT IN SUPPORT OF LOW-CARBON FUELS.

(a) DECLARATION OF POLICY.—Congress declares that, in order to achieve maximum reductions in greenhouse gas emissions, enhance national security, and ensure the protection of wildlife habitat, biodiversity, water quality, air quality, and rural and regional economies throughout the lifecycle of each low-carbon fuel, it is necessary and desirable to undertake a combination of basic and applied research, as well as technology development and demonstration, involving the colleges and universities of the United States, in partnership with the Federal Government, State governments, and the private sector.

(b) PURPOSE.—The purpose of this section is to provide for research support to facilitate the development of sustainable markets and technologies to produce and use woody biomass and other low-carbon fuels for the production of thermal and electric energy, biofuels, and bioproducts.

(c) DEFINITION OF FUEL EMISSION BASELINE.—In this section, the term “fuel emission baseline” means the average lifecycle greenhouse gas emissions per unit of energy of the fossil fuel component of conventional transportation fuels in commerce in the United States in calendar year 2008, as determined by the President.

(d) GRANT PROGRAM.—The President shall establish a program to provide to eligible entities (as identified by the President) grants for use in—

(1) providing financial support for not more than 4 nor less than 6 demonstration facilities that—

(A) use woody biomass to deploy advanced technologies for production of thermal and electric energy, biofuels, and bioproducts; and

(B) are targeted at regional feedstocks and markets;

(2) conducting targeted research for the development of cellulosic ethanol and other liquid fuels from woody or other biomass that may be used in transportation or stationary applications, such as industrial processes or industrial, commercial, and residential heating;

(3) conducting research into the best scientifically-based and periodically-updated methods of assessing and certifying the impacts of each low-carbon fuel with respect to—

(A) the reduction in lifecycle greenhouse gas emissions of each fuel as compared to—

(i) the fuel emission baseline; and

(ii) the greenhouse gas emissions of other sectors, such as the agricultural, industrial, and manufacturing sectors;

(B) the contribution of the fuel toward enhancing the energy security of the United States by displacing imported petroleum and petroleum products;

(C) any impacts of the fuel on wildlife habitat, biodiversity, water quality, and air quality; and

(D) any effect of the fuel with respect to rural and regional economies;

(4) conducting research to determine to what extent the use of low-carbon fuels in the transportation sector would impact greenhouse gas emissions in other sectors, such as the agricultural, industrial, and manufacturing sectors;

(5) conducting research for the development of the supply infrastructure that may provide renewable biomass feedstocks in a consistent, predictable, and environmentally-sustainable manner;

(6) conducting research for the development of supply infrastructure that may provide renewable low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner; and

(7) conducting policy research on the global movement of low-carbon fuels in a consistent, predictable, and environmentally-sustainable manner.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the funding authorized under section 9122, there are authorized to be appropriated to carry out this section—

(1) \$45,000,000 for fiscal year 2009;

(2) \$50,000,000 for fiscal year 2010;

(3) \$55,000,000 for fiscal year 2011;

(4) \$60,000,000 for fiscal year 2012; and

(5) \$65,000,000 for fiscal year 2013.

#### PART III—STUDIES

#### SEC. 9141. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 9111;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

#### SEC. 9142. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) **STUDY.**—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

#### **SEC. 9143. PIPELINE FEASIBILITY STUDY.**

(a) **IN GENERAL.**—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) **FACTORS.**—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) **REPORT.**—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

#### **SEC. 9144. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E-85 FUEL.**

(a) **IN GENERAL.**—The Secretary shall conduct a study of methods of increasing the fuel efficiency of flexible fueled vehicles by optimizing flexible fueled vehicles to operate using E-85 fuel.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

#### **SEC. 9145. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.**

(a) **DEFINITION OF ELECTRIC VEHICLE.**—In this section, the term “electric vehicle” means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) **STUDY.**—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 9111(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 9111(d).

#### **SEC. 9146. STUDY OF ENGINE DURABILITY ASSOCIATED WITH THE USE OF BIODIESEL.**

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study on the effects of the use of biodiesel on engine durability.

(b) **COMPONENTS.**—The study under this section shall include—

(1) an assessment of whether the use of biodiesel in conventional diesel engines lessens engine durability; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including—

(A) B5;

(B) B10;

(C) B20; and

(D) B30.

#### **SEC. 9147. STUDY OF INCENTIVES FOR RENEWABLE FUELS.**

(a) **STUDY.**—The President shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce conventional and advanced biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the financial incentives necessary to enhance, to the maximum extent practicable, the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) **GOALS.**—The study shall include an analysis of the options for financial incentives and the advantage and disadvantages of each option.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Presi-

dent shall submit to Congress a report that describes the results of the study.

#### **SEC. 9148. STUDY OF STREAMLINED LIFECYCLE ANALYSIS TOOLS FOR THE EVALUATION OF RENEWABLE CARBON CONTENT OF BIOFUELS.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall conduct a study of—

(1) published methods for evaluating the lifecycle fossil and renewable carbon content of fuels, including conventional and advanced biofuels; and

(2) methods for performing simplified, streamlined lifecycle analyses of the fossil and renewable carbon content of biofuels.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study under subsection (a), including recommendations for a method for performing a simplified, streamlined lifecycle analysis of the fossil and renewable carbon content of biofuels that includes—

(1) carbon inputs to feedstock production; and

(2) carbon inputs to the biofuel production process, including the carbon associated with electrical and thermal energy inputs.

#### **SEC. 9149. STUDY OF EFFECTS OF ETHANOL-BLENDED GASOLINE ON OFF-ROAD VEHICLES.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the effects of ethanol-blended gasoline on off-road vehicles and recreational boats.

(2) **EVALUATION.**—The study shall include an evaluation of the operational, safety, durability, and environmental impacts of ethanol-blended gasoline on off-road and marine engines, recreational boats, and related equipment.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

#### **SEC. 9150. STUDY OF OFFSHORE WIND RESOURCES.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE INSTITUTION.**—The term “eligible institution” means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) **STUDY.**—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) **REPORT.**—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and  
(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000, to remain available until expended.

#### **PART IV—ENVIRONMENTAL SAFEGUARDS** **SEC. 9161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.**

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000,000 for the period of fiscal years 2008 through 2015.

#### **SEC. 9162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.**

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

“(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute deter-

mined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

“(2) MATTERS TO BE STUDIED.—

“(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

“(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

“(i) in air and water quality and the quality of other natural resources;

“(ii) in land use patterns;

“(iii) in the rate of deforestation in the United States and globally;

“(iv) to greenhouse gas emissions;

“(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

“(vi) in the long-term capacity of the United States to produce biomass feedstocks.

“(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

“(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

“(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

“(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.”.

#### **SEC. 9163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.**

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking “nonroad vehicle (A) if in the judgment of the Administrator” and inserting “nonroad vehicle—

“(A) if, in the judgment of the Administrator, any fuel or fuel additive or”;

(2) in subparagraph (A), by striking “air pollution which” and inserting “air pollution or water pollution (including any degradation in the quality of groundwater) that”; and

(3) by striking “, or (B) if” and inserting the following: “; or

“(B) if”.

#### **SEC. 9164. ANTI-BACKSLIDING.**

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 9162) is amended by adding at the end the following:

“(u) PREVENTION OF AIR QUALITY DETERIORATION.—

“(1) STUDY.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine

emissions of air pollutants regulated under this Act.

“(B) CONSIDERATIONS.—The study shall include consideration of—

“(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

“(ii) appropriate national, regional, and local air quality control measures.

“(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

“(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

“(B) make a determination that no such measures are necessary.

“(3) OTHER REQUIREMENTS.—Nothing in the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.”.

**SA 3543.** Ms. STABENOW (for herself, Mr. DOMENICI, Mr. CASEY, Mr. LEVIN, Mr. SANDERS, Mrs. BOXER, Mr. BINGAMAN, Mr. COLEMAN, and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

#### **SEC. \_\_\_\_ . ELIGIBILITY OF ELDERLY PERSONS, WOMEN, INFANTS, AND CHILDREN UNDER THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93-86) is amended—

(1) by striking subsection (g) and inserting the following:

“(g) USE OF RESOURCES.—Each local agency shall use funds made available to the agency to provide assistance under the program to low-income elderly individuals, women, infants, and children in need of food assistance in accordance with such regulations as the Secretary may prescribe.”;

(2) in paragraphs (2) and (3) of subsection (h), by inserting “elderly individuals,” before “pregnant”; and

(3) by adding at the end the following:

“(m) INCOME ELIGIBILITY STANDARDS.—

“(1) IN GENERAL.—The Secretary shall establish maximum income eligibility standards to be used in conjunction with such other risk criteria as may be appropriate in determining eligibility for the program.

“(2) CONFORMITY; MAXIMUM INCOME.—The income standards established under paragraph (1) shall—

“(A) be the same for all pregnant, postpartum, and breastfeeding women, for infants, for children, and for elderly individuals qualifying for the program; and

“(B) not exceed the maximum income limit prescribed under section 17(d)(2)(A)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(A)(i)).”.

NOTICES OF INTENT TO SUSPEND  
THE RULES

Mr. ENSIGN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4(b)(3) of Rule XXVIII for the purpose of proposing to the amendment of the Senate to the bill (H.R. 3043), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

To the amendment of the Senate to H.R. 3043.

Insert in the appropriate place:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, none of funds made available under the heading "**OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION**" under the heading "Institute of Museum and Library Services" in title IV may be used for the Bethel Performing Arts Center.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4(b)(3) of Rule XXVIII for the purpose of proposing to the amendment of the Senate to the bill (H.R. 3043), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place in division A, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, none of the funds made available under the heading "OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION" under the heading "INSTITUTE OF MUSEUM AND LIBRARY SERVICES" in title IV may be used for for the Bethel Performing Arts Center.

## NOTICE OF HEARING

## PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, "Medicaid Providers That Cheat on Their Taxes and What Can Be Done About It." More than 30,000 Medicaid providers owe more than \$1 billion in unpaid Federal taxes, according to a recent investigation conducted by the Government Accountability Office at the request of the Permanent Subcommittee on Investigations. The GAO study included only 7 States, which means the total number of Medicaid providers that cheat on their taxes could be considerably higher. The Subcommittee's November 14 hearing will cover the extent of the problem, as well as possible solutions. Witnesses for the upcoming hearing will include representatives of the

Government Accountability Office, the Internal Revenue Service, the Financial Management Service, and the Centers for Medicare and Medicaid Services. A final witness list will be available Friday, November 9, 2007.

The Subcommittee hearing is scheduled for Wednesday, November 14, 2007, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224-9505.

AUTHORITY FOR COMMITTEES TO  
MEETCOMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, November 6, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on whether domestic energy industry will have the available workforce, crafts and professional, to meet our Nation's growing energy needs and if gaps exist, what policies the Congress should take to address these gaps.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, November 6, 2007, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on the "GOP and WEP: policies affecting pensions from work not covered by Social Security."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet, during the session of the Senate, in order to conduct an Executive business meeting on Tuesday, November 6, 2007. The hearing will commence at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Agenda: Nomination of Michael B. Mukasey to be Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON VETERANS' AFFAIRS

Mr. SALAZAR. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, November 6, 2007, in order to conduct an oversight hearing on the hiring practices and quality control in VA medical facilities. The Committee will meet in room 562 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 6, 2007, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. I ask unanimous consent that Alan Mackey and Patty Lawrence, detailees from the U.S. Department of Agriculture on my committee staff, be granted the privilege of the floor for today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Madam President, I ask unanimous consent that Caryn Long of my staff be granted the privilege of the floor for the remainder of the Senate's consideration of the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 371, the nomination of Patrick Francis Kennedy, to be Under Secretary of State; that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

## DEPARTMENT OF STATE

Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State (Management).

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT OF COMMITTEE TO  
ESCORT HIS EXCELLENCY, THE  
HONORABLE NICOLAS SARKOZY,  
PRESIDENT OF FRANCE

Mr. REID. Mr. President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Nicolas Sarkozy, President of France, into the House Chamber for a joint meeting at 11 a.m. tomorrow, Wednesday, November 7, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

**DESIGNATING NOVEMBER 25, 2007,  
AS "DRIVE SAFER SUNDAY"**

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 369, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 369) designating November 25, 2007, as "Drive Safer Sunday."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 369**

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone traveling on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas, according to the National Highway Traffic Safety Administration, wearing a seat belt saved 15,434 lives in 2004, 15,632 lives in 2005, and 15,383 lives in 2006;

Whereas Secretary of Transportation Mary Peters wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly

safely on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 25, 2007, as "Drive Safer Sunday".

**SUPPORTING VETERANS DAY**

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 370.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 370) supporting and encouraging greater support for Veterans Day each year.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 370) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 370**

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the American people owe the security of the Nation to those who have defended it;

Whereas, on Memorial Day each year, the Nation honors those who have lost their lives in service to the Nation;

Whereas, on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas the observance of Memorial Day and Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas section 116(a) of title 36, United States Code, provides that "The last Monday in May is Memorial Day" and section 116(b) of that title requests the President to issue a proclamation each year calling on the people of the United States to observe Memorial Day by praying, according to their individual religious faith, for permanent peace, designating a period of time on Memorial Day during which the people may unite in prayer for a permanent peace, calling on the people of the United States to unite in prayer at that time, and calling on the media to join in observing Memorial Day and the period of prayer;

Whereas section 4 of the National Moment of Remembrance Act (Public Law 106-579) provides, "The minute beginning at 3:00 p.m.

(local time) on Memorial Day each year is designated as the 'National Moment of Remembrance'"; and

Whereas Section 6103(a) of title 5, United States Code, provides that "Memorial Day, the last Monday in May" and "Veteran's Day, November 11" are legal public holidays: Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages the people of the United States to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection; and

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service.

**ORDERS FOR WEDNESDAY,  
NOVEMBER 7, 2007**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand adjourned until 10:30 a.m. tomorrow, Wednesday, November 7; that, on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any remarks of the two leaders, the Senate proceed as a body to the House of Representatives for a joint meeting to hear an address by the President of France; that the Senate then stand in recess until 12:15 p.m., and the Senate then proceed to the conference report to accompany H.R. 3043, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ADJOURNMENT UNTIL TOMORROW**

Mr. REID. Unless the distinguished Republican leader has further business to bring before this body, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:57 p.m., adjourned until Wednesday, November 7, 2007, at 10:30 a.m.

**CONFIRMATION**

Executive nomination confirmed by the Senate Tuesday, November 6, 2007:

**DEPARTMENT OF STATE**

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (MANAGEMENT).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.